

Workers shouldn't have to fear wage theft

By STEVE MCINTYRE | Posted: Saturday, July 26, 2014 12:00 am

The best anti-poverty program is a job. It is a truism that is not in the Bible but is held by some to be almost as sacred.

It has been a campaign slogan for politicians from both political parties.

It has been repeated by union and corporate leaders.

But when you are living paycheck to paycheck, what happens on payday when your paycheck bounces?

Three years ago on Aug. 31, 2011, The Houston Chronicle ran a story about a group of Galveston men who were not paid their wages.

Most of them were recruited at the Salvation Army and they performed work cleaning condos and apartments on the far West End of Galveston Island.

While some wages were paid after the story ran in the Chronicle, most of the workers struggled to get the rest of their paycheck.

A few weeks later, on Sept. 19, The Chronicle ran a story about the Houston Interfaith Worker Justice Center and its work on behalf of minimum wage workers who more and more frequently face wage theft situations in the Houston area.

Workers who find themselves without a paycheck or their check mysteriously short can consider doing a number of things.

A worker can file a complaint with the Texas Workforce Commission or the U.S. Department of Labor.

They can file a case against the employer in small claims court or retain an attorney to file suit in federal court to enforce the Fair Labor Standards Act guarantee of a minimum wage.

FLSA was created during the Great Depression and is one New Deal law that has not been repealed.

In some circumstances, the worker may consider filing a lien in the county clerk's office against the employer's property.

Many of these efforts take time, but often the worker has no time.

There may be instances when a legal picket line or protest outside the employer's place of business or home may bring quick relief.

Workers may also want to contact more experienced workers who belong to local unions for advice

and suggestions on the best way to timely obtain their full paycheck.

There are some who believe the 8th Commandment — Thou shall not steal — should be obeyed and enforced.

There has been a statute on the books for years that has been unevenly enforced around Texas because some elected district attorneys have complained there was vague language that made prosecution difficult.

For whatever reason, the statutory language remained unchanged until El Paso's Sen. Jose Rodriguez and others passed legislation, which became effective on Sept. 1, 2011, that clarified the language.

Now, reluctant district attorneys around Texas have no excuse for not enforcing the 8th Commandment against stealing.

We owe it to our friends and neighbors who have been struggling paycheck to paycheck to help them receive their paychecks so their families will have a chance of surviving this Great Recession

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