

Turner, Jacqueline

From: MONTANO_VICENTE@USACOPS.COM
Sent: Monday, March 21, 2005 10:52 PM
To: RegComments@OFHEO.gov; vetspublic@dol.gov; osmregs@osmre.gov
Cc: OIRA_DOCKET@omb.eop.gov; e-ohpsca.ebsa@dol.gov; E-OHPSCA.EBSA@dol.gov; e-ORI@dol.gov
Subject: RIN 2550-AA31 -PLEASE HELP ME NOW ON THIS MATTER.



OOP'S!

(HOUSING DEALS.)

HOUSEHOLD EMPLOYMENT

FREE STUDIO APARTMENT

WORK HARD AND DON'T GET PAY

**THEY TAKE ALL YOUR PAYCHECK FOR THE
RENT OF THE APT.WORKING AS A**

JANITOR.W/ OIL BOILERS

AT 46 STATES CORP.

BLDG#733 8TH AVE,

301 WEST 46TH STREET,

NEW YORK,NY 10036

AND THE BOSS HE'S NOT THE OWNER OF

**THE BLDG.BUT HE TAKES ALL THE MONEY
OF YOUR CASH CHECK OF YOUR WORK
FOR THE RENT OF STUDIO THERE WHERE
YOU LIVE INSIDE THE WORKFIELD**

WOW! 

NO MONEY LEFT FOR FOOD!

**IF NEED FOOD MONEY MUST COLLECT
CAN'S ON TRASH BAGS.**

**DO YOU WOULD LIKE TO WORK FOR
46 STATES CORP.**

AS A JANITOR SERVICES.

FREE BROOM & MOP-

**CONTACT THE BIG HEAD OF
THE BUILDING**

MR.JORGE PALACIOS. 

SORRY BUT I DON'T'VE A PHONE# AT THIS TIME

**PLEASE SEND ME AN E-MAIL W/YOUR APPOINTMENT IF YOU CAN HELP ME W/THIS
DEAL: MONTANO_VICENTE@USACOPS.COM
employer size: 1**

employment length: 03-02-05 A TODAY DATE.

salary: \$0.00

reason: RENT

address: 301 W.46TH ST,APT3 ON THE 3RD FL.

NEW YORK,NY 10036

MAILING ADDRESS

MR.VICENTE MONTANO.

390 9TH AVE

NEW YORK,NY 10001

employer name: MR.JORGE PALACIOS.

employer address: 301 W.46TH ST,APT 4D

NEW YORK,NY 10036

-
- (1) -- How long have you been in practice?
 - (2) -- Are you a certified specialist for the legal scope of my problem?
 - (3) -- Do you prefer to negotiate and settle, or fight it out in court?
 - (4) -- Would you consider using mediation?
 - (5) -- Will you be doing the work yourself? If not, who will?
 - (6) -- How much is the retainer fee? Is it refundable? How does it work?
 - (7) -- What are your hourly rates? What about court time? What other costs are included?
 - (8) -- What is your estimate of the approximate overall cost of this proceeding?
 - (9) -- Will you send me itemized bills on a monthly basis, including detail of time spent?
 - (10) - Is there a payment schedule? What is it?
 - (11) - Do you carry malpractice insurance? How much?
 - (12) - Will you agree to mediate/arbitrate any disputes about case management or fees as they may arise between us?
 - (13) - What do you expect of me?

Case Caption: Unknown

Case Description: ----- To whom it may concern; MY HISTORY CASE,HOUSEHOLD EMPLOYMENT:housing part for landlord-tenant matters of unlimited amounts and housing code violations. MI PATRON ME OFRECIO TRABAJO EN UN BUILDING PARA SER LIMPIEZA GENERAL Y HACERME CARGO DEL BOILER EN CASO DE EMERGENCIA,PORQUE EL TIENE QUE IRCE DE VACACIONES,PERO CUANDO EL ME OFRESIO EL TRABAJO ME DIJO QUE ME IBA A DAR UN CUARTO DONDE YO PUDIERA VIVIR DENTRO DEL BUILDING,Y YO LE BOY A PAGAR MI RENTA CON MI TRABAJO.EL CUARTO QUE ESTA PERSONA ME DIO QUE SE LLAMA . MR. JORGE PALACIOS.EL ES MI PATRON.Y YO SOY EL EMPLEADO DE EL MR.VICENTE MONTANO.D.O.B.02-05-1965 AHORA RESULTA QUE NO PUEDO PRENDER LA LUZ EN LA NOCHE PORQUE SI LA DUENA DE BUILDING LLEGA A DARSE CUENTA DE QUE HAY LUZ AHI ,YO SOY EL QUE VA A TENER PROBLEMAS,POR ESTAR AHI ADENTRO,PORQUE MI PATRON AL CUAL YO LE PAGO MI RENTA CON TRABAJO,EL ES EL JANITOR DEL BUILDING Y EL NO ES LA PERSONA ADECUADA PARA RENTAR ESE CUARTO ,PERO EL LO ESTA HACIENDO DE BAJO DE LA MESA.PERO MI PROBLEMA ES QUE YO SOY EL QUE PAGA EL PATO,CUANDO EL FUE EL QUE ME DIO EL CUARTO .YO AGO EL TRABAJO Y NO RECIVO NADA DE SUELDO PORQUE EL ME LO QUITA TODO POR LA RENTA.Y TAMBIEN ME DIJO QUE NO FUERA A LLEVAR A NADIE AHI CON MIGO Y QUE NADIE SUPIERA DONDE VIVO.PORQUE EL TIENE HASTA LAS VENTANAS TAPADAS CON ALLUMINIO PARA QUE NO SE VEA NADA POR DENTRO NI POR FUERA YO YA TOME FOTOS DEL LUGAR ESTE BUILDING ESTA UBICADO EN LA CALLE 301 W.46TH ST BET-9TH & 8TH AVE'S NEW YORK,NY MI APT#3 PERO TAMPOCO PUEDO RECIVIR CARTAS.OR MAIL. MI PATRON VIVE EN APT#4B ESTE BUILDING QUE SON 2 BUILDINGS LOS QUE TENGO QUE LIMPIAR NO MAS TIENE 6 GENTES VIVIENDO AHI PORQUE DICE QUE LAS RENTAS ESTAN CONJELADAS.ESTO EMPEZO CUANDO EL ME DIO EL TRABAJO FUE EL MARZO-3-2005 MY MAILING ADDRESS IS. MR.VICENTE MONTANO. 390 9TH AVE, NEW YORK,NY 10001 -----

----- Household Employees. To whom it may concern; yes I was hire by a man on the streets,because I'm homeless,and he tell me come to HIS building, I have a place for you MR.MONTANO,so he give me a STUDIO, but I can't have no one to come to see me,plus no mail too. and he comes to my STUDIO and he say to me < you need to clean up the room today.> also now I'm working for him too.but he takes all my salary because he say is for the rent of the STUDIO.he works for the building as janitorial services.so now I'm doing he's work the STUDIO belongs to the building he's no one to rent the STUDIO.because at night time I need to turn my lights off AROUND 11PM .he say because the owner same times she's walking & checking the rooms ,he don't want her to see me there.because I can get problems w/the owner of the building. my boss he's not the landlord but he takes my salary for the rent. NOTE: sorry I don't have a phone. but if is a case there I will get back w/you/ ALSO I'M THE ONLY GUY WHO WORKS FOR HIM. I'm here thank you for all of your time and any help that you may provide regarding this matter. Sincerely, MR.VICENTE MONTANO. MY HIRING DATE WAS ON 03-02-05 SOC.SEC#459-63-9750 montano_vicente@usacops.com

Verdict/Settlement: ??

THE MAIN FACTOR IS MY BOSS HE'S NOT THE OWNER OF THE BLDG.HE WORKS FOR THE OWNER AT 46 STATES CORP.FOR 22 YEARS AS A JUNITOR SO HE HAS ALL THE

KEYS OF THE ROOMS-AND THE STUDIO WAS EMPTY W/TRASH INSIDE WINDOS ARE BLOKED W/ WOOD AND ALUMINIUM,THE BATH ALL DUSTY AND DESTROYED,THE KITCHEN O LORD COME AND SEE FOR YOUR SELF.IS NOT A HEALTHY PLACE TO LIVE.THE STUDIO IS IN THE BAD CONDITION,ON TOP OF THIS MY BOSS CHARGE ME RENT ,TAKES ALL MY SALARY ,NO CONTRACT MADE ORAL CONTRACT ONLY ,BUT HE'S NOT THE LANDLORD OF THE BLDG.HE'S THE JANITOR WHO DO A JANITORIAL SERVICES IN THE BLDG.HE'S NAME IS.MR.JORGE PALACIOS.HE LIVE IN THE SAME BLDG.# 733 8TH AVE. AT 301 W.46TH ST,APT'S # 3A-4D,CELL PH#(212)810-7206-HOME PH# (212)-258 3476 PLEASE NOTE:THIS PHONE NUMBERS ARE MY BOSS # ONLY PLEASE DON'T CALL THERE TO ASK FOR ME!.....YOU CAN CALL HIM TO ASK ABOUT HIS JOB OPPORTUNITIES PLUS HOUSING FOR INVESTIGATION ONLY.

MY BOSS, NAME,MR.JORGE PALACIOS.HE'S A JANITOR COMPETENT TO PERFORM JANITORIAL SERVICES. IN THE BLDG. (I'm NOT,) SEC.27-2055 CERTIFICATION OF COMPETENCY.....-.....

EL DIA 3-3-05 EL SR. J.PALACIOS.PRIMERO ME OFRECIO IN CUARTO ESTANDO YO EN LA CALLE "HOMELESS" Y ME DIJO.QUE EL TIENE AHI UN CURTITO DONDE TE PUEDES QUEDAR VICENTE, LE CONTESTE DE INMEDIATO QUE YA AHORA MISMO,MR.J.PALACIOS.ME CONTESTO DE INMEDIATO SI,SI, VENITE TRAIETE TU MOCHILA,

PUES FUIAMOS AL BLDG. AT 301 46TH ST,BET 9TH & 8TH AVE'S,Y ME ABRIO EL CUARTO DEL TERSER PISO,Y ME DIJO AHI TE PUEDES QUEDAR,03-02-05,LATER AROUND 5PM EL ME FUE A BUSCAR AL CUARTO PARA DESIRME ,QUE POR NINGUN MOTIVO QUERIA QUE FUERA YO A DESIRLE A MIS AMIGOS O PARIENTES DONDE YO ESTOY VIVIENDO,Y TAMBIEN QUE NO PUEDO RECIVIR CARTAS AHI.Y QUE NO FURA A TRAER GENTE AHI DONDE ESTOY VIVIENDO,Y DESPUES ME DIJO PUEDES TRAER MUJERES AQUI PARA QUE TENGAS SEXO.COMO POR EJEMPLO A TU NOVIA, PARA QUE TE LA COJAS AHI EN ESA CAMA,AFTER 10PM ME TOCO DE NUEVO PARA AVISARME QUE QUE LA LUZ SE APAGA ALAS 11PM PORQUE LA DUENA HANDA POR ESTE RUMBO CHECANDO EL BLDG.Y NO VALLA SER QUE SE DE CUENTA DE QUE ESTAS AQUI ADENTRO,PORQUE TE VAS A METER EN UN PROBLEMA GORDO CON ELLA.Y LE CONTESTE Y QUE GARANTIA TENGO YO DE ESTAR AQUI ADENTRO,ME DIJO DESPREOCUPATE YO LE BOY A HAVISAR ALGUN DIA,

AL DIA SIGIENTE ME DESPERTO ALAS 3AM TOCO Y TOCO HASTA QUE DESPERTE Y LE DIJE, QUE PASO! Y ME DICE ESTAS DORMIDO Y LE DIJE SI, Y EL ME CONTESTA NOMAS QUERIA SABER SI ESTABAS AQUI TODABIA ,ALAS 8AM ME TOCO Y HABRI LA PUERTA Y SE METIO AL CUARTO A DARME ORDENES QUE TENIA QUE LIMPIAR EL CUARTO Y EMPEZO A AVENTAR MIS COSAS DISIENDO MIRA COMO TIENES AQUI TIRA TODO ESTO,Y LE DIJE PUES ESTO ES MIO. YA VAN FEW OCASIONES QUE MR.J.PALACIOS ME DICE QUE TENGO QUE LIMPIAR MI CUARTO METIENDOCE SIN NINGUNA NOTICIA POR ADELANTADO.

ESE MISMO DIA 03-03-05 ME DIJO QUE EL TRABAJO MIO IBA A SER LIMPIAR EL BUILDING COMPLETO,Y QUE CON ESO YO LE BOY A PAGAR LA RENTA DEL CUARTO Y SACAR LAS BASURAS 3 VECES ALA SEMANA .Y QUE HAY OTRO BLDG EN LA CALLE 72nd STREET,Y QUE AHI TENGO QUE IR A LIMPIAR TAMBIEN EL BLDG QUE ES DE OTRA COMPANIA.Y QUE EL ME VA A ENSEÑAR COMO CAMBIARLE EL AGUA SUSIA AL OIL BOILER ,Y ELETRIC FUSES OF THE BLDG.PORQUE EL TIENE QUE SALIR DE VACACIONES Y ME VA A DEJAR AHI ENCARGADO DE LOS 3 BLDG'S.

3-10-05 MR.J.PALACIOS & UN AMIGO DE EL ENTRARON A MI CUARTO A SACAR UNAS CAJAS .QUE TENIAN AHI GUARDADAS EN EL OTRO CUARTO.PORQUE MI CUARTO ES UNA COSINA ,UN BANO,Y 2 CUARTOS.

03-17-05 ME DIJO QUE TENIA QUE SALIRME DEL CUARTO PORQUE UN INSPECTOR DE LA CIUDAD DE NUEVA YORK,NY / BIENE A LAS 10:30AM-A INSPECTION OF THE BUILDING,& THE OWNER PUEDE BENIR Y NO QUIERO QUE TE VEA AQUI ADENTRO.PERO EL INSPECTOR LLAMO A EL PARA CANSELAR LA INSPECCION DEL BUILDING.

3-18-05 SACO DE MI CUARTO 2 AIRES AIRCONDITIONS ALAS 10:40PM TAMBIEN ME DIJO QUE NESESITA UNA COPIA DE LA LLAVE DEL CANDADO PORQUE HAY VECES QUE EL NESESITA ENTRAR AL CUARTO.

(AL PARESER MR.J.PALACIOS ME AMENAZA MUCHO WITH THE OWNER Y EL INSPECTOR)
TAMBIEN YO ESTOY CON EL WALFARE Y NO ME GUSTARIA PERDER MI BENEFISIOS AL REPORTAR QUE ESTOY TRABAJANDO CUANDO NO ESTOY RESIVIENDO NADA DE INCOME PORQUE MY BOSS ME ESTA EXPLOTANDO.

Comments: Sec. 27-2055 Certification of competency a. Except as provided in subdivision (b) of this section, the owner who is required to employ a janitor shall certify in writing to the department that such owner's janitor is competent to perform janitorial services required to be performed by this article in a competent fashion and is capable of operating the incinerator and the furnace, boiler and other machinery that provides central heat and hot water. The owner shall submit a new certificate of the janitor's competency to the department no later than sixty days after hiring a new janitor. b. No such certification shall be required concerning a janitor who has satisfactorily completed a course of not less than fifteen hours given or approved by the department of buildings in the basic skills required for the performance of janitorial services. Such course should include, but need not be limited to, instruction on operation of the central heating plant; replacement of the smoke pipe from the furnace to the chimney; and the making of necessary minor repairs, such as replacement of washers and water faucets. Courses approved by the department of buildings may be offered by a school, association, labor union or other public agency. c. This section shall become effective on June thirteenth, nineteen hundred sixty-eight. -----

http://nyc.gov/html/doi/html/ig_office.html#building -----

http://www.oag.state.ny.us/realestate/tenants_rights_guide.html -----

The Fair

Labor Standards Act The most important and most far-reaching law guaranteeing a worker's right to be paid fairly is the federal Fair Labor Standards Act or FLSA (29 U.S.C. §§201 and following). The FLSA: ----- The Fair Labor Standards Act The most important and most far-reaching law guaranteeing a worker's right to be paid fairly is the federal Fair Labor Standards Act or FLSA (29 U.S.C. §§201 and following). The FLSA: defines the 40-hour workweek covers the federal minimum wage sets requirements for overtime, and places restrictions on child labor. Basically, the FLSA establishes minimums for fair pay and hours -- and it is the single law most often violated by employers. An employer must also comply with other local, state or federal workplace laws that set higher standards. So in addition to determining whether you are being paid properly under the FLSA, you may need to check to see if other laws also apply to your situation. The FLSA was passed in 1938 after the Depression, when many employers took advantage of the tight labor market to subject workers to horrible conditions and impossible hours. One of the most complex laws of the workplace, the FLSA has been amended many times. It is full of exceptions and exemptions -- some of which seem to contradict one another. Most of the revisions and interpretations have expanded the law's coverage, for example: requiring that male and female workers receive equal pay for work that requires equal skill, effort and responsibility including in its protections state and local hospitals and educational institutions covering most federal employees and employees of states, political subdivisions and interstate agencies, and setting out strict standards for determining, paying and accruing compensatory or comp time -- time given off work instead of cash payments. The Fair Labor Standards Act: Your Right to Get Paid Who Is Covered The FLSA applies only to employers whose annual sales total \$500,000 or more, or who are engaged in interstate commerce. You might think that this would restrict the FLSA to covering only employees in large companies, but in reality the law covers nearly all workplaces. This is because the courts have interpreted the term interstate commerce very broadly. For example, courts have ruled that companies that regularly use the U.S. mail to send or receive letters to and from other states are engaged in interstate commerce. Even the fact that employees use company telephones to place or accept interstate business calls has placed an employer under the FLSA. Who Is Exempt A few employers, including small farms -- those that use relatively little outside paid labor -- are explicitly exempt from the FLSA. In addition, some employees are exempt from the FLSA even though their employers are covered. A few common categories of employees are exempt from FLSA requirements, such as pay for overtime and minimum wages. Executive, administrative and professional workers. This is the most confusing and most often mistakenly applied broad category of exempt worker. The requirements for executive workers are most rigorous. To qualify as an exempt executive, you must: be paid with a salary, so that compensation is not subject to reductions for quality and quantity of work use discretion in performing job duties regularly direct the work of two or more people have the authority to hire and fire other employees, or to order such hiring and firing be primarily responsible for managing others, and devote no more than 20% of worktime to other tasks that are not managerial. For certain retail and service companies, 40% of nonmanagerial time is allowed. The definitions of administrative and

professional employees are similar, but contain minor differences. For example, employees categorized as professionals must perform work that is primarily intellectual. The Fair Labor Standards Act: Your Right to Get Paid The definitions also change with the employee's salary level. For example, if the weekly salary of the executive, administrative or professional employee exceeds a certain minimum, fewer factors are required to qualify for the exemption. Above all, bear in mind that you are not automatically exempt from the FLSA because you receive a salary; the work you do must be of a certain type as well. However, watch for how and when your employer docks your pay. If you are called a salaried employee, for example, but you get a cut in pay if you miss work or you get a bonus for working more hours, the pay you receive may not legally be a salary -- and you may be entitled to overtime for some of your working hours. Outside salespeople. An outside salesperson is exempt from FLSA coverage if he or she: regularly works away from the employer's place of business while making sales or taking orders, and spends no more than 20% of worktime doing work other than selling. Typically, an exempt salesperson will be paid primarily through commissions and will require little or no direct supervision in doing the job. Computer specialists. This exemption applies to computer system analysts and programmers who receive a salary of at least \$170 a week or who, if paid by the hour, receive at least \$27.60 an hour. You will likely be exempt from the wage and hour laws as a computer specialist if your primary duties consist of such things as determining functional specifications for hardware and software, designing computer systems to meet user specs and creating or modifying computer programs. Miscellaneous workers. Several other types of workers are exempt from the minimum wage and overtime pay provisions of the FLSA. The most common include: employees of seasonal amusement or recreational businesses employees of local newspapers having a circulation of less than 4,000 newspaper delivery workers switchboard operators employed by phone companies that have no more than 750 stations workers on small farms, and personal companions and casual babysitters. Officially, domestic workers -- housekeepers, childcare workers, chauffeurs, gardeners -- are covered by the FLSA if they are paid at least \$1,000 in wages from a single employer in a year, or if they work eight hours or more in a week for one or several employers. For example, if you are a teenager who babysits only an evening or two each month for the neighbors, you probably cannot claim coverage under the FLSA; a fulltime au pair would be covered. The Fair Labor Standards Act: Your Right to Get Paid Apprentices. An apprentice is a worker who's at least 16 years old and who has signed an agreement to learn a skilled trade. Apprentices are exempt from the requirements of the FLSA. But beware that your state may have a law limiting the number of hours you can work as an apprentice. State law may also require that as an apprentice, you must be paid a certain percentage of the minimum wage. Check with your state labor department for more information. Finally, the FLSA covers only employees, not those who work as independent contractors. However, whether a person is an employee for purposes of the FLSA generally turns on whether that worker is employed by a single employer, not on the Internal Revenue Service definition of an independent contractor. The FLSA was passed to clamp down on employers who cheated workers of their fair wages. As a result, employee status is broadly interpreted so that as many workers as possible come within

the protections of the law. If nearly all of your income comes from one company, a court might rule that you are an employee of that company for purposes of the FLSA -- even if other details of your work life might convince the IRS otherwise. In court cases determining close questions of employment status, workers are increasingly found to be employees rather than independent contractors. Key realities cited by the courts: the relationship appeared to be permanent, the workers lacked bargaining power with regard to the terms of their employment (Martin v. Albrecht, 802 F. Supp. 1311 (1992)) and the individual workers were economically dependent upon the business to which they gave service (Martin v. Selker Bros., Inc., 949 F. 2d 1286 (1991)). But workers' skill and pay levels can push courts to the opposite conclusion. Some courts are more likely to class workers with higher skills and higher pay as independent contractors rather than employees. In two recent cases hailing from Texas, for example, two groups of workers -- pipe welders and topless dancers -- who were classified as independent contractors claimed they were really employees under the labor laws and so should be entitled to overtime pay. The courts, apparently reasoning that welding pipes takes more skill than dancing topless, held that the welders were independent contractors, but the dancers were employees. (Carrell v. Sunland Constr., Inc., 998 F.2d 330 (5th Cir. 1993); Reich v. Circle C. Investments, Inc., 998 F.2d 324 (5th Cir. 1993).) -----

http://artweisslaw.com/household_employee.php

about housing employer Household Employees If you paid more than \$1,300 in cash wages to a household employee during 2002 you are responsible for collecting employment taxes for the employee and submitting them to the IRS. This fact sheet will discuss some of the frequently asked questions regarding this requirement. What are cash wages? Cash wages includes cash, checks or money orders, but does not include food, lodging or other non-cash items you give to your household help. You should try to pay by check in order to maintain a better record of the amounts and the dates the help was paid. Who is a household employee? Generally household employees are maids, housekeepers, babysitters, gardeners or nannies. It is important to distinguish between household help, for whom you must submit employment taxes and independent repairpersons such as plumbers and electricians for whom you do not.. These repairpersons are not household employees and there is no requirement to do anything other than pay them and allow them to take care of their own tax reporting. What are employment taxes? Employment taxes consist of Social Security and Medicare. These two taxes combined are 15.3% of total cash wages. How are they collected? The employer and the employee share responsibility for paying these taxes. In fact, it is a 50/50 split. If the employer pays the employee \$100 for a week of service, the total employment taxes due are 15.3% or \$15.30. The employer is responsible for half or \$7.65. The employee is responsible for the other half. So if you agree to pay the maid \$100 the actual cost to you including employment taxes that by law you are responsible for will be \$107.65. IN addition to the \$7.65 you pay from your own pocket, you must withhold \$7.65 from your employee's check. You then take your \$7.65 and combine it with your employee's \$7.65 and submit the total, \$15.30 to the IRS. This presumes that you will end up paying this particular employee more than \$1300 during the year. If you do not

withhold it from the employee's check, you will be responsible for the full amount. Do I have to pay unemployment taxes or FUTA? It depends. If you paid more than \$1000 in cash wages in any calendar quarter you must pay federal unemployment tax for the entire amount of the wages for the year up to \$7000. Example - In the third quarter of the year you pay a household employee \$3,200 in cash wages. For the remainder of the year you pay an additional \$5,000 for a total of \$8,200. You are required to pay unemployment tax on the first \$7000 you paid. The rate is a flat .8% for a total tax of \$56. Am I responsible for federal income tax withholding? Good news - you are not. However if your employee wishes you to withhold and you agree to do so, then you will have to withhold federal income tax and submit it in a timely manner to the IRS. http://www.gofso.com/Premium/TS/fg/fg-Nanny_Tax.html -----

----- SINCERLY: MR.VICENTE MONTANO

montano_vicente@usacops.com

No contract MADE FOR THE JOB AN THE STUDIO DEAL. ORAL CONTRACT ONLY.

On The Job Accidents

If you are involved in an accident at work, Workers' Compensation may not be your only remedy. Very often workplace accidents are caused by people or entities who are not your employer. The Workers' Compensation laws prohibit you from bringing an action against your employers. But there are exceptions even to that rule.

Under the laws of New York State, construction workers as well as other employees have extraordinary rights. These rights are particularly strong regarding construction site accidents.

Sections 240 and 241 of the Labor law hold that both the owners and the general contractor must supply a safe place to work. The following are examples of situations where the law firm of Sanders, Sanders, Block, Woycik, Viener & Grossman has successfully obtained compensation for injured workers:

1. Injuries resulting from falls from height, from a beam, ladder or elevated working space including scaffolds.
2. Workers who were struck by falling objects on a job site.
3. Workers who tripped and fell as a result of uneven or unclean flooring.

In certain situations, even if a worker causes their own accident, they have the right to sue. For example, if a worker does something wrong when he is on a scaffold he has an absolute right of recovery without any setoffs for his conduct.

<http://www.1-legal.com/>
<http://www.abika.com/>

Bronx Office

220 East 161st Street
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Tel:1(800) 526-6670
Fax: (718) 537-3515
<http://www.thesandersfirm.com/contactus.htm>

[http://search.msn.com/results.aspx?
srch=105&FORM=AS5&q=the+Federal+Service+Labor-Management+Relations+Act](http://search.msn.com/results.aspx?srch=105&FORM=AS5&q=the+Federal+Service+Labor-Management+Relations+Act)

ME OFRECIO WORK IN a BUILDING TO BE GENERAL CLEANING and TO DO POSITION
Of the BOILER IN CASE OF EMERGENCY, because HE HAS TO GO OUT FOR
VACACIONES IN THE NEXT 3 WEEKS BUT NOW 3WEEKS IS OVER RIGHT AND NEVER
GO OUT, BUT WHEN HE OFFER ME THE JOB SAID, THAT IT WAS GOING TO GIVE ME
A STUDIO to ME WHERE I COULD LIVE INSIDE THE BUILDING, & HE'S NOT GOING
TO PAY ANY SALARY BECAUSE HE'S GOINT TO TAKED FOR THE RENT OF THE
STUDIO THERE WHERE YOU GOING TO LIVE NOW AND YOU PAYING RENT
W/WORK .THE STUDIO.MR.JORGE PALACIOS MY BOSS, .the EMPLOYEE OF HIM
MR.VICENTE MONTANO.D.O.B.02-05-1965 NOW IS THAT I CAN'T HAVE THE LIGHT
ON AT NIGHT BECAUSE IF THE OWNER OF BUILDING , MAYBE PASS TRUE THERE
AND SEE THE LIGHT ON HE SAY I'M GOING TO HAVE BIG PROBLEMS WITH
HER.BECAUSE I'M INSIDE THE PROPERTY, AND HE'S NOT THE SUITABLE PERSON
TO RENT THE STUDIO. AND ALSO SAID HE DON'T WANT TO SEE ANYONE IN SIDE
THE STUDIO OF MY FRIENDS.THE WINDOWS ARE COVERED WITH ALLUMINIO SO THAT
NOTHING NEITHER BY OUTSIDE SEEN ON THE INSIDE. I TAKE PHOTOS, THIS
LOCATED IN THE STREET 301 W.46TH ST BET-9TH & 8TH AVÉS NEW YORK, NY. MY
APT#3 BUT EITHER I CAN'T MAIL.. MY BOSS LIVES IN EAST APT#4B BUILDING
THAT IS 2 BUILDINGS THOSE THAT I MUST CLEAN . IS ONLY 6 LIVING INSIDE .
BECAUSE IT SAYS THAT RENTS ESTAN CONJELADAS.ESTO EMPEZO WHEN IT
EMPLOYED TO ME IT WAS MARZO-3-2005 MY MAILING ADDRESS IS. MR.VICENTE
MONTANO. 390 9TH AVE, NEW YORK, NY 10001

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PLOWES BLOKED W/ WOOD AND ALUMINIUM, the BATH ALL DUSTY AND DESTROYED,
the KITCHEN OR LORD COME AND SEE FOR YOUR SELF.IS NOT To HEALTH PLACE
TO LIVE.THE STUDIO IS BAD CONDITION, ON TOP OF THIS MY BOSS CHARGE ME
RENT, ORAL CONTRACT ONLY WAS MADE ON THIS DEAL. TAKES ALL MY SALARY,NO
CONTRACT WAS MADE ON PAPER., BUT HÉ'S NOT THE LANDLORD OF THE BLDG.HÉ'S
THE JANITOR WHO DO JANITORIAL SERVICES IN THE BLDG.HÉ'S NAME
IS.MR.JORGE PALACIOS.HE LIVE IN 733 8TH AVE. AT 301 W.46TH ST, apt's #
3Á-4D, cell PH#(212)810-7206-HOME PH # (212)-258 3476 PLEASE NOTE:THIS
PHONE NUMBERS PLOWES MY BOSS # ONLY PLEASE DON'T CALL THERE TO ASK FOR
ME.YOU MAY CALL HIM TO ASK ABOUT HIS JOB OPPORTUNITIES PLUS HOUSEHOLD
EMPLOYERS FOR INVESTIGATION ONLY.

***** MY
BOSS, NAME, MR.JORGE PALACIOS.HÉ'S THE JANITOR
COMPETENT TO PERFORM JANITORIAL SERVICES
(MAYBE) . IN THE BLDG. (Ím NOT) SEC.27-2055 CERTIFICATION OF
COMPETENCY.....-..... The DAY 3-3-05 MR. J.PALACIOS.FIRST

HE OFFER ME THE STUDIO, BECAUSE I BEING I IN THE STREET "HOMELESS" AND HE TELLM E ABOUT THE STUDIO WAS EMTY WHERE YOU CAN BE LIVING THERE, VICENTE, HE ANSWERS TO HIM IMMEDIATELY THAT ALREADY Right now, mr.j.palacios.me I ANSWER IMMEDIATELY YES, YES COME ON BRING ALL YOUR STAFF , THEN WE WENT TO THE BLDG. AT 301 46TH ST, bet 9TH & 8TH AVÉS, AND HE OPENED THE STUDIO FOR ME ON THE 3RD FLOOR, AND, SAID HERE IS WHERE YOU CAN LIVE., 03-02-05, I don't know what to do in this case.

#1.go to the labor dept.

#2.go to the walfare (WELFARE) BECAUSE I'M W/THEM AND I GET FOOD STAMPS AND PUBLIC ASISTENCE. AND I DON'T WOULD LIKE TO LOSE THAT.

#3.go to the lawyer

#4.go to the IRS

for me is best to go to the lawyer first and file a lawsuit. ALL IS OFF THE BOOKS.

<http://babelfish.altavista.com/translate.dyn>

Employment Law:

<http://www.e-justice4all.com>

Employment Law may encompass a variety of issues surrounding the relationship between employee and employer such as wrongful termination, whistleblower termination, non-payment of wages, salaries or commissions, unlawful non-compete agreements, and discrimination in the workplace.

Employees who are members of a " protected class " may bring a charge of discrimination against their employer for practices which discriminate on the basis of race, national origin, religion, gender, age (over 40), sexual preference, disability or if the employer retaliates against them for complaining of discriminatory practices. employees who work without a written contract for a specific time period are considered "at will" employees. This term means that either the employee or the employer may terminate the employment relationship for just cause or totally without cause. Nevertheless, if the employer terminates the relationship, the employee may have certain rights under the law, such as claims of discrimination. It is always advisable to discuss the particular facts of your case with a competent attorney before taking an action against your employer or making allegations of discrimination.

FILE YOUR CLAIM

You must file a claim within six (6) months of the employer's alleged discriminatory conduct AT NEW YORK COMMISSION Against Discrimination (MCAD) and within 300 days of this conduct with the Federal Equal Employment Opportunity Commission (EEOC). Failure to properly and timely file a Charge of Discrimination within the times specified may invalidate your claim and bar you from any remedy or recovery.

EMPLOYER'S CONDUCT

An employer may discriminate against an employee several ways. The most common form of employment discrimination is the creation of a hostile work environment. Often this is evident by the way a supervisor, or another employee with the knowledge of the supervisor, harasses the employee or negatively treats the employee differently from other employees who are not members of the employee's protected class. There is also quid pro quo discrimination usually associated with sexual harassment claims where the employee is asked to provide some sort of favor (sexual or otherwise) in exchange for a promotion or other employment related benefit but is later denied for failure to comply. These are merely illustrations of discrimination but you should discuss the specific facts of your particular case with an attorney to determine whether or not there is a basis for a claim.

ADVISING THE EMPLOYER

If you feel you are being discriminated against at work, you should advise your employer that you believe his/her conduct is discriminatory and provide the employer an opportunity to mediate or address the discriminatory conduct. Please be aware that it is also illegal for an employer to retaliate against an employee for complaining about alleged discriminatory conduct.

REMEDIES

If an employer is found to be liable for unlawful discrimination against an employee the damages may include:

Compensatory Damages (back pay and lost wages/benefits)

Future Pay (available where the termination was illegal and the circumstances make it impossible and unreasonable for you to mitigate your damages [see Mitigating Damage below] by finding substitute employment).

Emotional Distress Damages

Punitive Damages (where the conduct of the employer is clearly intentional and the jury decides the best manner to deter future acts of discrimination is by awarding monetary damages)

Attorneys Fees and Costs

MITIGATING DAMAGE

If you have been terminated (or constructively terminated) you have an obligation to actively look for and find suitable replacement employment and to file and collect unemployment benefits if you are entitled to them. These forms of compensation may be used to offset the compensatory damages you have suffered and your failure to find alternative forms of compensation may diminish or eliminate your ability to recover for your losses.

CONSTRUCTIVE TERMINATION

In some instances the employer has not terminated the employee but has made working in the position intolerable. If the actions of the employer are directly linked to discriminatory conduct then the employee's "quitting" the job may be actionable as well.

These are just examples of legal issues which arise for employees in

their employment. If you feel you have been the victim of employment discrimination or would like to discuss the harassing conduct of your employer, call the Law Office, to ask about representation and consultation fees.

NOTICE: The above is a broad overview of employment and discrimination law in the workplace. This information is for general information purposes only and should not be construed as the offering of legal advice nor should it be relied upon for making decisions regarding an individuals legal rights. Always consult an attorney before determining what legal rights and remedies exist.

United States Department Of Labor Employment Standards Administration
Fact Sheet No. Esa 91-10

Tenants with questions about their rent bills can contact the Area Office at: (212) 694-3782.

Employee Hiring Fact: One of the most important goals of a successful company is to hire successful people, and with a myriad of laws regulating workplace hiring, the process becomes even more difficult.

The National Homeless Civil Rights Organizing Project (NHCROP) has established nine field sites in different regions of the country: Los Angeles, CA, San Francisco, CA, Portland, OR, Chicago, IL, Jeffersonville, IN, Cincinnati, OH, Atlanta, GA, Austin, TX, Washington, DC. For more information on NHCROP (timeline, staffing, budget, and evaluation) and the success of homeless civil rights efforts, please contact Michael Stoops at the National Coalition for the Homeless, 202-737-6444 or e-mail at:

<http://nch.ari.net/nhcrop.html>
nch@ari.net

WWW.EEOC.GOV

Equal Pay and Compensation Discrimination

The right of employees to be free from discrimination in their compensation is protected under several federal laws, including the following enforced by the U.S. Equal Employment Opportunity Commission (EEOC): the Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and Title I of the Americans with Disabilities Act of 1990.

(4) As used in this subsection, the term ``labor organization'' means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

the National Employment Lawyer's Association.
visit NELA's website at www.nela.org

liliana.valdez@acs-inc.com

USACOPS-The Nation's Law Enforcement Site --->
<http://www.usacops.com>