



## Exploitation at Every Level:

**The Auringer-affiliated companies are one of NYC'S tallest erection contractors but also one of its lowest employers**

"The company sometimes does not view me as a person. Management has told me I should be happy I'm allowed to work on their jobs because I'm a black woman."

— LaFondra Brown



**The Thomas G. Auringer-affiliated companies include:**

- Urban Erectors
- U.S. Crane and Rigging
- New York Hoist
- New York Pre-Cast
- New York Plank Services
- New York Steel Services
- + Many others



***The company makes us work regardless of the weather. Summer heat, rain, winter snow. The Auringers don't care about our safety. All they care about is production and getting the job done.***

—Carroll Turner

***"One winter I had to lift heavy crane sections that were frozen in the ground. I had to manhandle it free and then move it from one point to another without knowing what I was stepping on because the ground was completely covered in snow. I twisted my ankle really badly in the snow and had to take time off. I wasn't paid and I didn't go to the hospital and had to nurse it myself because I couldn't afford it."***

—Striking worker Anthony Charbonier, the yard foreman for NY Hoist, LLC, has been involved in several accidents while working there.

## The Auringer companies have a history of workplace abuses:

The New York City skyline was built by iron workers who erect and install the iron and steel beams, columns and panels that form the skeleton of its buildings, bridges, and other iconic features.

The Auringer family runs a network of almost a dozen iron working companies in the New York Metropolitan area that operate industrial cranes and lifts and provide rigging and hoist operations to move and set the machinery and structural steel. Auringer-affiliated companies also install heavy precast concrete planks that make up a building's floors and roof. They are known primarily by their trade names Urban Erectors, U.S. Crane and Rigging, New York Hoist, New York Pre-Cast, and New York Plank Services.

The Auringer-affiliated companies have built dozens of mid-rise buildings across the city, and are one of the largest construction contractors concentrated in the affordable housing industry in the City. They work on building projects for developers like

Michael Stern's JDS Development Group, the Arker Companies, and BFC Partners.

The companies connected to the Auringer family, consisting of Tom, Michael, David and Racine Auringer, have a record of irresponsible behavior against workers, their health and safety, and the greater community. Workers say they are subjected to a number of abuses including wage theft, racism, discrimination, mistreatment, and frequent retaliation by supervisors.

The Auringer companies' pursuit of profits has resulted in unsafe jobsite conditions and dangerous conditions for those working on the ground. Adding insult to obvious injury, the workers do not receive health insurance, retirement, paid time off or other benefits.

In May 2014, some workers went out on strike over these injustices. More strikers have since joined their cause. "I live paycheck-to-paycheck because it's impossible to save money," said Carroll Turner an employee of 13 years. "And there are no benefits."



# Hazardous to Worker Safety and Health

The workers are also very concerned about workplace safety. Working in construction is always dangerous, but no one should have to choose between injury and death or their hourly wages. Numerous workers have testified to being made to perform dangerous tasks in unsafe conditions. Striker LaFondra Brown says, "On typical construction sites, a single fireguard is assigned to each torch/welder as required by construction code. However while working at Urban Erectors, I was commonly assigned to fireguard duties for up to 3 torches/welders at a time."

Workers say the full extent of the health and safety issues is much worse than OSHA records imply and that injuries are common. Workers believe the company discourages them from reporting injuries and accidents to OSHA or

Workers' Compensation. **Carrol Turner says,** "*The numerous times that I've been hurt, the company didn't report to OSHA and I didn't know anything about Workers Comp [at the time].*"

The Auringer companies also do not provide proper personal protective safety equipment required under federal OSHA requirements. "Harness, gloves, hardhat, everything I need, I've had to pay for myself," said Abraham Rosado.

Over the last decade, in the course of over 2 dozen separate investigations, OSHA has cited Auringer companies with over \$300,000 in initial fines for almost 5 dozen serious violations—which occurs when there is "substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known—as well as numerous willful, repeat and other violations.

## Spotlight: LaFondra Brown is NOT a certified welder but...



On May 29, 2014, LaFondra's supervisor directed her to weld reinforcing steel while working in the Bronx. She told him she was not a welder and that she was not trained to perform this weld. He didn't care; She was not given a shield to protect her face and eyes. She subsequently suffered Ultraviolet Keratitis, more commonly known as flash burn. **LaFondra required hospitalization for her injuries.**

She paid out of pocket for her emergency care. When she tried to turn the original hospitalization bill to her supervisor, he allegedly tossed it back at her and told her to get to work. **She is still paying out of pocket for her continued required medical care**

## Theft of Workers' Wages

Over three dozen laborers, foremen, iron workers, erectors and hoist operators have joined in a class action lawsuit initiated in mid-2013 against New York Hoist and affiliated companies New York Plank Services, New York Steel Fabricators, U.S. Crane & Rigging, and New York Pre-Cast over allegations that they systematically engaged in wage theft. Among their claims, workers say that they were consistently missing hours from their paychecks every week.

Wage theft at the Auringer-owned companies is not a new concern. In 2009, 50 workers filed complaints with the Department of labor about 3-4+ weeks' worth of unpaid wages. The workers who complained were reportedly fired.

This was preceded by a lawsuit in 2008 against Auringer-owned companies SSB Hoist, New York Steel, and New York Steel Fabricators over similar complaints that workers weren't paid for all the hours worked and experienced regular violations of overtime law, which was settled in 2009.

## Threatening to public safety

Numerous cranes owned by Auringer have been involved in serious accidents including collapses. Auringer -affiliated companies have a history of violations with the NYC Dept of Buildings (DOB). Among these are:

- Over a dozen citations for inadequate safety measures. For instance, in March 2014, a U.S. Crane & Rigging employee was cited for “operation of unsafe crane” by “allow[ing] an unqualified operator to train an out of class operator.” In August 2013, U.S. Crane & Rigging was also cited for allowing a crane “to be set up in an unsafe situation” without flagmen or danger signs present.
- Auringer companies and their staff have multiple violations each for failing “to comply with the Commissioner’s order,” “unlawfully continu[ing] work” while on notice of a stop work order, “failure to safeguard all persons and property,” and “operation of defective equipment.
- Over the last ten years, Auringer companies have over two dozen violations for work without a permit or operation of cranes or derricks without certificates or expired certificates.

Since 2009, Auringer companies and their employees have been cited for almost 5 dozen Class 1- immediately hazardous violations and has amassed over \$250,000 in total penalties by the DOB.

Auringer has been involved in a number of accidents from building collapses to crane collapses:

- On October 2009, a U.S. Crane and Rigging crane collapsed knocking down part of the building's outer scaffolding at Columbus Avenue at West 97th Street.
- Less than a month later, Auringers’ NY Plank Services was cited for a partial building collapse in Brooklyn.
- In April 2007, a 100 foot Auringer crane fell in Thompson, New York. Earlier, a Super Structure crane collapsed in Brooklyn, “after crashing, narrowly missing workers on roof and inside.”

Accidents were also not properly reported to the DOB, OSHA or both. For instance, in 2013, a U.S. Crane and Rigging employee was cited for, “operating crane hoisting equipment in an unsafe manner [resulting in] one worker injured” but this incident was not reported to OSHA. In 2010 the DOB cited U.S. Crane and Rigging employees when “Operator’s action directly caused accident, destroyed boom on crane[, and] never reported incident as required.” This incident was also unreported to OSHA.



**A Super Structure crane collapsed onto a building in Brooklyn.**

## Discrimination in the Workplace

In January 2015, an employee of Urban Erectors filed a US Equal Employment Opportunity Commission (EEOC) complaint alleging racial and sex discrimination.

The worker alleges she was subjected to a hostile work environment where she was the victim of sexual harassment, groping, and race-based discrimination in the form of racial threats. She also alleges to have faced disparate treatment based on her gender.

# Previous Fatality, Felony Conviction, and Debarment of an Auringer Company

Issues such as these are a significant characteristic of the history of Auringer-affiliated companies. Cavalier Construction, of which Tom Auringer was president, was debarred for years up through February 2008 for a, “plea of guilty to a felony in Kings County Criminal Court for filing false business records with the New York City Construction Authority.” Accordingly, Cavalier was debarred from bidding or being awarded any public work with the state.

The state also debarred successor and/or companies affiliated with Auringer-Cavalier including Manbru Construction Corp, Kingston Trucking and Rigging, Super Structure Builders, and Port Ewen Trucking.

These companies additionally possess a history of violations of health and safety from OSHA and from the NYC Buildings Department. In 1997 a worker from Cavalier Construction was killed by a falling column.

These debarred companies all filed for bankruptcy but the injustices have continued under new companies affiliated with the Auringers.



**A crane accident involving U.S. Crane and Rigging destroyed a sidewalk shed on Columbus Avenue in Manhattan.** Photo courtesy of NYPress.



**A crane collapse at NY Hoist, LLC.**



**An employee of Auringer owned SSB Hoist died when he was crushed by an elevator in 2008. “He was a good guy. He didn’t have to die but he was being rushed.”**

— Ithier Lopez

## Workers are Standing Up!

Despite employer retaliation, workers know together they can make changes in their industry. Several workers have gone on strike against the company to protest the abuses, prevailing wage violations, safety issues, and other forms of mistreatment at the Auringer-affiliated companies. Workers are demonstrating and speaking out in

public with the support of faith and community members.

“We employees have a voice, and I want my voice to be heard,” Lopez said. “I want everybody to know that there is a better option out there for us. All we have to do is stand up,” said Ithier Lopez a 9-year employee of the Auringers.

## Building Owners Shouldn't Profit Using Exploitation



**LaFondra Brown and NYC Councilman Andy King join in a protest against injustice by the Auringer companies.**

Photos courtesy of laborpress.org.

Employers who make their profits through theft, fraud, and employee abuse should not be tolerated. Building owners and public entities are morally accountable and ultimately responsible for the practices of the contractors on their jobsites.

Owners should demand all contractors treat workers fairly, obey the law, and maintain the highest standards of ethical business practices.

Owners should ensure that they do not contract with unscrupulous companies that build on the backs of exploited workers.

## Community Members Join to Demand Responsible Contractors

Many have joined the effort for responsible contracting and demand companies build fairly, respect the rights of workers, and respect the local community.

Here's what you can do:

If you are a developer, general contractor or subcontractor, commit to use ethical contractors who treat their workers fairly, pay proper wages and maintain safe and dignified work environments.

If you are a member of the community, a faith organization, or other social justice organization, please join us speak out against these injustices.

## NYC Community Alliance for Worker Justice

Contact us at: [nyccommunityalliance@gmail.com](mailto:nyccommunityalliance@gmail.com)

### Footnotes:

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