Chapter 4

The Erosion of Job Quality: An Historic Perspective

As Chapter 3 demonstrates, Latinos face wide gaps in job quality compared to many White and Black workers. Disparities in wages, benefits, and working conditions are even more pronounced for Hispanic immigrants, who make up 53.8% of the Latino workforce. In order to address the current issues contributing to low job quality for Latinos, it is important to consider the history behind these issues, especially with regard to:

- **Labor market restructuring.** Since the 1970s, many Latinos and less-skilled workers have been crowded out of relatively high-quality manufacturing jobs and moved into lower-paying service occupations and nontraditional employment arrangements.
- **Immigration policy.** Many foreign-born Latinos have been left without secure legal footing in the workplace, which has taken a toll on job quality for all workers.
- **Federal labor laws.** A final consideration is the deep-seated reluctance of Congress and federal agencies to adopt—and adapt—policies to protect workers in the changing economy.

LABOR MARKET RESTRUCTURING

Beginning in the late 1970s, the U.S. economy began to shed goods-producing jobs in favor of service-providing jobs, which are more difficult to "export." Many U.S. businesses shifted their labor-intensive operations to developing countries where they could pay workers lower wages, profoundly altering the composition of the U.S. labor market and producing downward pressure on job quality. Altogether, between 1979 and 2007, the economy lost 7.2 million manufacturing workers, while employment in the service sector grew by 14.2 million workers. Among other factors, these changes were driven by a new world financial system, advances in technology, and intensified international trade.

Shift to lower-paying service jobs. The industrial shifts in the second half of the 20th century produced a bifurcated American workforce of high-skilled and low-skilled workers. Likewise, the labor market distribution of Hispanic and non-Hispanic workers has become increasingly dissimilar. Latinos have been simultaneously crowded out of the remaining well-paying jobs from the older manufacturing economy and locked into lower-paying jobs in the new service economy.

By contrast, broad educational progress has enabled a significant number of Whites to advance out of low- and middle-skilled jobs and into professional and technical jobs.[1] Latinos have tended to fill low- to middle-skilled jobs left open by workers with advanced skills. For example, White men reduced their presence in farming by 99,500 between 1990 and 2000 while the number of Hispanic men grew in the farming sector by 84,800. Equally important is that Latinos played a major role in filling out the emerging service sector, where demand for less-skilled labor skyrocketed during the same period in response to changing consumer preferences. For example, Hispanic men filled 110,903 jobs that were added in the building and grounds cleaning category, which reflects the growing popularity of commercial landscaping.[2] Between 1990 and 2000, service employment grew by 373,055 for Hispanic men; 28.8% of that growth change was attributable to industrial shift, but 69.7% was caused by job growth.

Increase in nontraditional work arrangements. Many labor market experts have been documenting a growing trend among employers to reconfigure their workforce to avoid the costs of compensating and insuring traditional wage-and-salary employees. One such practice is to hire workers on a contingent basis (described in Chapter 2) rather than through the use of a time-delimited contract.[3] The Hispanic share of the contingent workforce has grown to surpass their overall share in the labor force; between 1995 and 2005, the Latino presence among contingent workers jumped from 12.7% to 21.4%.[4] Yet in 2005, more than half (55.3%) of contingent workers reported that they would have preferred a permanent job.[5] This preference is likely a reaction to the high job insecurity that characterizes contingent work. Contingent status is often closely associated with low job quality. Contingent workers are much less likely than noncontingent workers to be covered by employer-sponsored benefits,[6] to receive extensive training,[7] or to belong to a union.[8]

Growth of subcontracting. Most contingent workers are employed in nontraditional

arrangements. Since the majority of Latinos in alternative arrangements are employed as independent contractors (see Figure 2.4), Latino workers have been acutely and disproportionately impacted by the growing prevalence, complexity, and abuse of subcontracting arrangements. Subcontracting includes practices such as outsourcing of production or the provision of services, hiring independent or self-employed contractors, and procuring workers through labor intermediaries such as contractors, temporary help agencies, and employee leasing companies.[9] Many employers use subcontracting arrangements to evade responsibility for upholding standards of job quality and fair treatment of workers (described in greater detail in Chapter 5). Latino workers involved in subcontracting arrangements tend to be employed in building and grounds cleaning occupations, food preparation and processing, home health care, and construction.[10]

IMMIGRATION POLICY

Many of the factors responsible for poor job quality are rooted in U.S. immigration policies that fail to provide sufficient legal channels for willing workers to enter the country, thereby promoting a cycle of illegality that leaves all workers vulnerable to exploitation. The number of employment-based visas issued by the U.S. government falls far short of employer demands. However, despite the shortage of legal options for entry, jobs continue to draw foreign-born workers, forcing many U.S. industries to become dependent on undocumented individuals. This trend has nearly paralyzed the labor market potential of millions of Latinos, who make up the majority of new immigrants. Furthermore, as Chapter 5 explains, these flawed policies ultimately drive down job quality for all workers who work side by side with undocumented immigrants, including legal immigrants and U.S.-born workers.

Supply and demand for immigrant labor. Historically, public sentiment toward immigrants—and ultimately, government restrictions on legal entry—has fluctuated with the health of the U.S. economy.[11] Yet in contrast to restrictions on Chinese and European immigration (through the Chinese Exclusion Act of 1882 and the Quota Acts of 1921 and 1924), enforcement of immigration laws against Hispanic immigrants was relatively lax in the early 20th century, with some notable exceptions. The unique treatment of Latinos was largely a product of their protracted attachment to the U.S. labor market: for more than a century, U.S. employers depended on Mexican workers, recruiting willing migrants to fill seasonal labor shortages as farmers, loggers, and miners in the 19th century Southwest. Consequently, when the creation of a Border Patrol in 1924 disrupted the steady supply of labor, U.S. farmers and ranchers lobbied Congress to preserve legal pathways for Mexican agricultural workers.

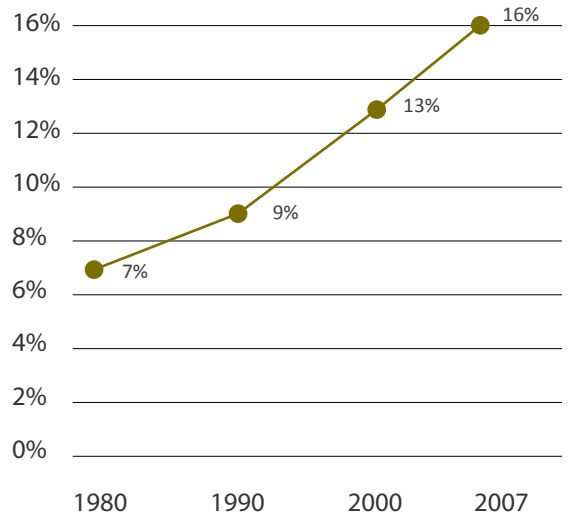
However, subsequent policy efforts to meet employers' demand for less-skilled labor, such as the *Bracero* program (1942–1964), failed to do so. More importantly, the program's porous labor standards and weak enforcement left workers extremely vulnerable to abuse. The 4.5 million workers who passed through the *Bracero* system regularly endured wage theft, deplorable living conditions, and a hazardous work environment—and they were essentially bound to their employers.[12] Many of these abuses continue in modern guest worker programs that have replaced the *Bracero* program. For instance, despite the requirement to pay H-2B (unskilled nonagricultural) guest workers the "prevailing wage" in an occupation to eliminate unfair competition against employers who hire U.S. workers, a 15-state study of H-2B workers found that in most cases, H-2B workers were paid well below the prevailing wage as reported by the Department of Labor.[13]

Restrictions on legal entry. The restructuring of the U.S. economy and advances in the human capital of U.S.-born workers created shortages of low-skilled labor that spread from the agricultural industry to other essential economic sectors, including construction, wholesale and retail trade, health care, manufacturing, and food processing.[14] During that same period, more foreign-born workers a growing portion of whom were Hispanic—entered the U.S. labor market, shown in Figure 4.1. As demand for less-skilled workers grew, restrictions on employment-based immigration visas tightened, as Figure 4.2

illustrates. Today, most permits for entry favor highly skilled immigrants. With the exception of the Immigration Reform and Control Act (IRCA) of 1986, which legalized approximately 2.7 million individuals already living and working in the U.S., Congress has not made significant adjustments in visa levels to meet labor market demand.[15]

It should be noted that not all undocumented workers enter the U.S. illegally; rather, many enter through legal channels and remain in the country after their visas expire. Between 4.5 and six million undocumented immigrants residing in the U.S. in 2006 entered the country legally at a border and overstayed visas that were not intended for permanent immigration.[16]

FIGURE 4.1
Foreign-Born Workers in the U.S. Labor Force, 1980–2007



Source: Migration Policy Institute, "Foreign Born as a Percentage of the Total Population and of the Civilian Labor Force by State, 1980 to 2007," MPI Data Hub, http://www.migrationinformation.org/datahub/charts/laborforce.2.shtml (accessed September 2008).

Few Legal Pathways for Low-Skilled Immigrants

While experts are not in agreement on how to measure labor shortages, most agree that the number of U.S. workers in the labor market will decline significantly as baby boomers retire. It is estimated that in order to maintain the current trend of 3% annual growth in GDP, the workforce will need to add about one million workers per year between now and 2030.[17] To do so will require hiring new immigrant workers.

Despite growing demand for workers from abroad, current legal avenues for immigrants seeking to work in the U.S. are extremely limited, which promotes illegality. Indeed, from 2003 to 2008, the share of undocumented workers in the U.S. labor force increased from 4.3% to 5.4%.[18] Legal pathways are especially limited for less-skilled workers. In 2007, only 5,000 unskilled immigrants were granted lawful permanent residence ("green cards") by the U.S. government. Temporary residency options are more numerous, but guest workers must be sponsored by a specific employer. Temporary visa categories for seasonal agricultural workers (H-2A), seasonal nonagricultural workers (H-2B), and returning seasonal nonagricultural workers (H-2R) totaled 173,103 in 2008. Each year, the United States Citizenship and Immigration Services branch of the Department of Homeland Security receives far more employer applications for temporary workers than are accepted; the annual cap is usually reached within a week of the open application process.[19]

Barriers to naturalization. Even immigrants who obtain legal permanent residency face difficulties becoming naturalized citizens, which can limit their opportunities to advance in the job market, fully participate in the civic process, and improve their quality of life. One major obstacle to naturalization is the government backlog of citizenship applications. At the end of fiscal year 2008, 1,046,539 persons were naturalized, and decisions on 480,000 cases were pending.[20] Another 121,283 naturalization applications were denied.[21]

Limited English proficiency is another obstacle to naturalization for many Latinos, since proficiency in English is required for individuals to pass the citizenship exam. On October 1, 2008, U.S. Citizenship and Immigration Services (USCIS) began administering the redesigned naturalization exam.[22] It is possible that this change will prompt new misconceptions about the test and the citizenship process, creating an additional impediment for many prospective applicants.

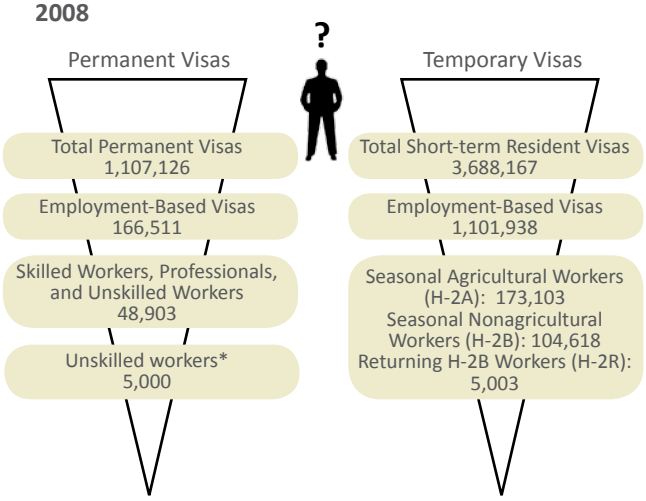
Finally, the application fee is prohibitively high for many low-wage earners, which reduces the likelihood that they will naturalize. On July 30, 2007, the cost for processing naturalization applications (form N-400) rose 80%, from $330 to $595.[23] Individuals applying for citizenship must also pay an additional $80 biometric fee, bringing the total cost of applying for naturalization to $675.

Employment verification. The job quality of many immigrant and foreign-born Latinos has been compromised by the tumultuous evolution of policies that restrict the hiring of undocumented workers. The passage of IRCA in 1986 was the first time Congress made it unlawful to hire undocumented workers. IRCA required employers to check the validity of the now ubiquitous I-9 form of all newly hired employees. IRCA threatened to penalize any employer who was found to "knowingly hire" an unauthorized worker (these penalties are known as "employer sanctions"). Rather than preventing the employment of undocumented workers, IRCA led to unintended consequences. It established a thriving fraudulent document industry and set in motion widespread discrimination against Latinos and other workers who are perceived to be "foreign." Both were products of the fact that workers and employers were forced to find ways to work around a system that did nothing to widen legal channels to address the magnet of available jobs and the flow of willing workers.[24]

In response to criticism from civil rights and worker advocates, as well as from employers who demanded clarity in order to avoid sanctions, Congress has sought to come up with a system that allows employers to automatically verify whether newly hired employees are eligible to work in the U.S. For more than two decades, employers have tested several versions of an electronic employment verification system (EEVS) designed to check newly hired employees' I-9 form against Social Security and immigration records held in government databases.

However, since EEVS was never intended to match a worker's identity with the information provided in their employment documents, the system has not fulfilled its purpose of preventing the hiring of undocumented workers. Furthermore, serious flaws in the system due to database errors and rampant employer misuse and abuse of EEVS have come at a major cost to job quality, disproportionately impacting U.S. citizens and legal residents with "foreign" last names. These issues

FIGURE 4.2
Permanent and Temporary Employment-Based Visas, 2008



Source: U.S. Department of Homeland Security, *Yearbook of Immigration Statistics: 2008*. Office of Immigration Statistics. Washington, DC, 2009, http://www.dhs.gov/files/statistics/publications/LPR08.shtm (accessed June 2009).

* The federal government caps the number of visas available for unskilled workers at 10,000 per year, with 5,000 reserved for the Nicaraguan Adjustment and Central American Relief Act (NACARA) of 1997. U.S. Department of State, *Report of the Visa Office 2003*. Washington, DC, 2003, http://travel.state.gov/pdf/FY2003%20AppA.pdf (accessed January 2008), Appendix A.

are described at length in Chapter 5. Although only about 4% of newly hired employees are verified electronically under the current system, called E-Verify, about 4,000 employers are registering for the program each month.[25] Thus, the problems with the current system could spread rapidly as E-Verify expands, to the detriment of job quality for both U.S. citizens and foreign-born workers. Essential protections for workers in an employment verification system are addressed in Chapter 6.

FEDERAL LABOR PROTECTIONS

By and large, federal policymaking has lagged significantly behind trends in the U.S. labor market. In fact, major federal legislative and regulatory activity concerning labor issues has been relatively dormant since the mid-1990s (see Table 4.1). As a result, the institutional framework for protecting workers has become increasingly porous.

Table 4.1
Major Federal Labor Laws

Law	Purpose	Year Enacted
Clayton Act[1]	Protects organized labor from penalty under antitrust laws.	1914
Davis Bacon Act[2]	Requires individuals contracted for construction work by, or with the assistance of, the federal government to be paid no less than the local prevailing wage.	1931
National Labor Relations Act (NLRA/Wagner Act)[3]	Gives workers the right to organize unions and choose their representatives, and protects them from certain employer retaliation. The law also establishes the National Labor Relations Board (NLRB) to arbitrate union elections.	1935, amended in 1947 by the Taft-Hartley Act
Fair Labor Standards Act (FLSA)	Sets the federal minimum wage, mandates the payment of overtime wages for workers earning below a certain income level, requires employers to keep records of employees' hours, and sets limits on the hours and types of jobs young people can work. Domestic workers and farmworkers are excluded from most protections under FLSA.[4]	1938; notable amendments include the Equal Pay Act of 1963, modest expansion in 1966 to extend some protections for certain farmworkers, and the 1993 Family and Medical Leave Act
Labor-Management Relations Act (Taft-Hartley Act)	Prohibits the "closed shop," excludes "supervisory" employees from protections under the Wagner Act, and prohibits and restricts certain union actions.	1947; additions and clarifications to unlawful union practices added in the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act) of 1959[5]
Immigration and Nationality Act (INA)[6]	Consolidates the provisions of several guest worker programs regarding the recruitment, certification, and hiring of workers.	1952
Equal Pay Act[7]	Prohibits discriminatory pay for men and women in the same establishment who experience and labor under the same working conditions.	1963
Civil Rights Act, Title VII[8]	Bans employment discrimination on the basis of race, color, religion, sex, and national origin, with exceptions for certain types of employers. Establishes the Equal Employment Opportunity Commission (EEOC) to enforce Title VII.	1964

Law	Purpose	Year Enacted
Occupational Safety and Health Act (OSH Act)[9]	Holds employers responsible for providing a safe and healthy workplace. Establishes the Occupational Health and Safety Administration (OSHA) to create and enforce health and safety regulations in the workplace, to research, educate, and train workers and the public, and to provide assistance to states to carry out similar tasks. OSHA's enforcement tools include monetary fines, and in cases involving worker deaths, criminal penalties.	1970
Employee Retirement Income Security Act (ERISA)[10]	Protects employees' pension benefits by establishing rules about disclosure, vesting, participation, and funding.	1974
Migrant and Seasonal Agricultural Worker Protection Act (AWPA)[11]	Extends certain protections to migrant and seasonal farmworkers regarding recordkeeping, wages, supplies, housing, and working conditions.	1983
Immigration Reform and Control Act (IRCA)[12]	Establishes a national worker verification system and sanctions against employers who knowingly hire undocumented workers.	1986
Family and Medical Leave Act (FMLA)[13]	Requires certain employers to offer their employees up to 12 weeks of unpaid leave during a 12-month period for certain family and medical conditions without penalty in wages, benefits, or position. All public employers, as well as private-sector employers of at least 50 employees in certain industries, are covered by the act.	1993

[1] *Clayton Act, U.S. Code*, (1914), Title 15 § 12.
[2] *Davis-Bacon Act*, Public Law 107-217 (August 21, 2002, as amended).
[3] *National Labor Relations Act, U.S. Code* (1935), Title 29 §§ 151–169.
[4] *Fair Labor Standards Act, U.S. Code (*1938), Title 29 §§ 201–219.
[5] Labor-M*anagement Relations Act, U.S. Code* (1947), Title 29 §§ 141–187.
[6] Immigration and Nationality Ac*t, U.S. Code* (1952), Title 8 §§ 1101–1778.
[7] Equal P*ay Act of 1963, U.S. Code* (1962), Title 9 § 206d.
[8] *Civil Rights Act, U.S. Code* (1964), Title 42 §§ 2000e–2000e-7.
[9] *Occupational Safety and Health Act* (1970), Title 29 §§ 651–678.
[10] *Employee Retirement Income Security Act, U.S. Code* (1974), Title 29 §§ 1001–1461.
[11] *Migrant and Seasonal Agricultural Worker Protection Act, U.S. Code* (1983), Title 29 §§ 1801–1872.
[12] *Immigration Reform and Control Act, U.S. Code* (1986), Title 8 § 1324.
[13] *Family and Medical Leave Act, U.S. Code* (1993), Title 29 §§ 2601–2654.

Legislative slowdown. Since the enactment of major labor laws in the early 20th century, the work environment and the structure of the labor market have changed dramatically; yet there has been no sweeping federal legislation to strengthen workers' rights in more than 15 years.[26] Early laws were intended to preserve private negotiation between workers (acting through unions) and employers, but when it became clear that unions were not always successful in their efforts—and many workers were altogether excluded from union membership—policymakers sought to establish basic labor standards through the force of law. The Federal Labor Standards Act of 1938 set the floor on wages and the hours and conditions under which youth could work. The Occupational Health and Safety Act was the landmark legislation meant to protect workers' physical well-being on the job by requiring all employers to follow health and safety laws. Today's workplace continues to be regulated by these laws.

Stalled rulemaking. Regulatory activity around workplace standards has also slowed considerably. Historically, the rulemaking process within the Occupational Health and Safety Administration (OSHA) has been heavily influenced by corporations and organized labor, with input from experts, other employee advocates, and scientists from the public and private sectors.[27] Throughout its nearly 40-year history, however, the vast majority of rules issued by OSHA have never been finalized. Particularly in the last decade, rulemaking and finalization has stalled; only seven major final rules were issued between 1997 and 2007, compared to approximately 26 final rules in the previous decade.[28] Of the standards that were finalized between 1971 and 1996, evidence suggests that the majority has generally favored the interests of business rather than those of workers.[29] Among other factors, the decline of the labor movement and the rise of multinational corporations have limited the capacity of workers, unions, and advocates to advance and defend pro-worker standards.

Endnotes

[1] Maude Toussaint-Cameau, Thomas Smith, and Ludovic Comeau Jr., *Occupational Attainment and Mobility of Hispanics in a Changing Economy* (Washington, DC: Report to the Pew Hispanic Center, 2005), http://pewhispanic.org/files/reports/59.1.pdf (accessed September 2008), 48.

[2] Ibid.

[3] In reaction to growing global competition and soaring health insurance premiums, many businesses have cut costs by eliminating benefits for their employees. However, there is debate about whether contingent workers actually do cost less than their permanent counterparts. *Employer Health Insurance Costs and Worker Compensation* (Menlo Park, CA: Kaiser Family Foundation, 2008), http://www.kff.org/insurance/snapshot/chcm030808oth.cfm (accessed May 2008); Kathleen Barker and Kathleen Christensen, *Contingent Work: American Employment Relations in Transition* (Ithaca, NY: Cornell University Press, 1998).

[4] U.S. Department of Labor, Bureau of Labor Statistics, "Contingent and Alternative Work Arrangements, February 2005," news release, July 27, 2005, http://www.bls.gov/news.release/pdf/conemp.pdf (accessed September 2008); U.S. Department of Labor, Bureau of Labor Statistics, "Contingent Worker and Alternative Employment Supplement, 1995." *Current Population Survey*. Conducted by the U.S. Bureau of the Census for the Bureau of Labor Statistics. Washington, DC, 1995, http://www.bls.census.gov/cps/contwkr/1995/sdata.htm.

[5] U.S. Department of Labor, "Contingent and Alternative Work Arrangements."

[6] Only 9.4% of contingent workers had employer-provided health insurance in 2005, and only 4.6% were included in an employment-based retirement plan. U.S. Department of Labor, Bureau of Labor Statistics, "Contingent and Alternative Work Arrangements," Table 9.

[7] T. A. Kochan, M. Smith, J. C. Wells, and J. B. Rebitzer, "Human resource strategies and contingent workers: The case of safety and health in the petrochemical industry," *Human Resource Management* 33 (1994): 55–77.

[8] In 1999, just 5.9% of contingent workers were unionized, compared to 14.8% of noncontingent workers. There is notable variation between industries, however. Construction unions have successfully organized contingent workers at a rate of 22.6%, perhaps due to workers' reliance on unions for stability in a job market that is traditionally transient. Steven Hipple, "Contingent work in the late-1990s," *Monthly Labor Review* (2001), http://www.bls.gov/opub/mlr/2001/03/art1full.pdf (accessed September 2008).

[9] In addition to the economic incentives for employers to contract out work, the growth of subcontracting has also been fueled by new technologies and decentralized production chains, which make virtual and multisite operations possible. Thus, subcontracting arrangements are not limited to less-skilled occupations but rather have taken hold in higher-skilled, higher-pay occupations such as computer technicians. Catherine Ruckelshaus and Bruce Goldstein, *From Orchards to the Internet: Confronting Contingent Work Abuse* (New York, NY: National Employment Law Project, 2002), http://www.bls.gov/opub/mlr/2001/03/art1full.pdf (accessed September 2008).

[10] Planmatics, Inc. for the U.S. Department of Labor, *Independent Contractors: Prevalence and Implications for Unemployment Insurance Programs* (Rockville, MD: 2000), 51, http://wdr.doleta.gov/owsdrr/00-5/00-5.pdf (accessed September 2008).

[11] T. J. Espenshade and K. Hempstead, "Contemporary American Attitudes toward U.S. Immigration," *International Migration Review* 30 (1996).

[12] Center for History and New Media, "Bracero History Archive," George Mason University, Smithsonian National Museum of American History, Brown University, and the Institute of Oral History at the University of Texas at El Paso, http://braceroarchive.org (accessed July 2009).

[13] Denice Velez, "Wages for H-2B workers set lower than the prevailing wage" (Washington, DC: Economic Policy Institute, 2008), http://www.epi.org/economic_snapshots/entry/webfeatures_snapshots_20080813 (accessed August 2008).

[14] The Essential Worker Immigration Coalition (EWIC) is a coalition of businesses, trade associations, and other organizations from across the industry spectrum concerned with the shortage of both lesser skilled and unskilled ("essential worker") labor. EWIC, "The Essential Worker Immigration Coalition," http://www.ewic.org//index.php (accessed August 2008).

[15] *Immigration Reform and Control Act, U.S. Code* (1986), Title 8 § 1324.

[16] *Modes of Entry for the Unauthorized Migrant Population* (Washington, DC: Pew Hispanic Center, 2006), http://pewhispanic.org/files/factsheets/19.pdf (accessed September 2008).

[17] Ray Marshall, *Immigration for Shared Prosperity: A Framework for Comprehensive Reform* (Washington, DC: Economic Policy Institute, 2009), 26.

[18] Jeffrey Passel and D'Vera Cohn, *A Portrait of Unauthorized Immigrants in the United States* (Washington, DC: Pew Hispanic Center, 2009), 15, http://pewhispanic.org/files/reports/107.pdf (accessed April 2009).

[19] U.S. Citizenship and Immigration Services, "USCIS Reaches H-2B Cap for Second Half of Fiscal Year 2009," news release, January 8, 2009, http://www.uscis.gov/files/article/h2b_8jan09.pdf (accessed January 2009).

[20] James Lee and Nancy Rytina, *Naturalizations in the United States: 2008*. U.S. Department of Homeland Security Office of Immigration Statistics. Washington, DC, 2009, http://www.dhs.gov/xlibrary/assets/statistics/publications/natz_fr_2008.pdf (accessed July 2009).

[21] *Yearbook of Immigration Statistics: 2008*. U.S. Department of Homeland Security. Washington, DC, 2008, Table 20, www.dhs.gov/xlibrary/assets/statistics/yearbook/2008/table20.xls (accessed July 2009).

[22] Applicants who file a naturalization application on or after October 1, 2008 and those who are scheduled for a naturalization interview on or after October 1, 2009 will take the new test. U.S. Department of Homeland Security, "New Naturalization Test," U.S. Citizenship and Immigration Services, http://www.uscis.gov/newtest (accessed July 2009).

[23] U.S. Department of Homeland Security, "Adjustments of Immigration and Naturalization Benefit Application and Petition Fee Schedule." Final Rule 8 CFR Part 103, Docket No. USCIS 2006-0044. U.S. Citizenship and Immigration Services. Washington, DC, 2006, http://www.uscis.gov/files/nativedocuments/FinalRule.pdf (accessed July 2009).

[24] Charles A. Bowsher, *Immigration Reform: Employer Sanctions and the Question of Discrimination*, Statement before the Committee on the Judiciary, March 30, 1990, U.S. General Accounting Office, T-GGD-90-31, http://archive.gao.gov/d38t12/141005.pdf (accessed April 2009).

[25] Estimates from U.S. Citizenship and Immigration Services in U.S. House of Representatives Committee on the Judiciary, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, *Employment Verification: Challenges Exist in Implementing a Mandatory Electronic Employment Verification System*, Statement of Richard Stana, 111th Cong., 2nd sess., 2008, http://www.gao.gov/new.items/d08895t.pdf (accessed June 2008).

[26] One important exception is the increase in the federal minimum wage in 2007, which increased to $7.25 per hour on July 24, 2009, the last in a three-phase increase since 2007, when the Fair Labor Standards Act was amended to increase the minimum wage from $5.15 per hour. The latest increase gave approximately 4.5 million workers a raise. Kai Filion, *Minimum Wage Issue Guide* (Washington, DC: Economic Policy Institute, 2009), http://epi.3cdn.net/9f5a60cec02393cbe4_a4m6b5t1v.pdf (accessed July 2009).

[27] In fact, the OSH Act created the National Institute of Occupational Safety and Health (NIOSH) to provide scientific guidance on standards.

[28] *Death on the Job: The Toll of Neglect* (Washington, DC: AFL-CIO, 2009), "Major OSHA Health Standards Since 1971," http://www.aflcio.org/issues/safety/memorial/upload/_24.pdf (accessed April 2009), 41.

[29] Ana-Maria Wahl and Steven Gunkel, "Due Process, Resource Mobilization, and the Occupational Safety and Health Administration, 1971-1996: The Politics of Social Regulation in Historical Perspective," *Social Problems* 46, no. 4 (1999): 591–616.