Regional Labor Review

Fall 2018

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Why Is Wage Growth So Weak When Unemployment Is So Low

by Gregory DeFreitas

This fall marks the 10th anniversary of the autumn 2008 financial meltdown of the Great Recession. Compared with those dark days, recent headlines paint a mostly bright job picture: the national unemployment rate is now under 4% -- its lowest level in a half-century – net job growth averages over 200,000 per month, and average hourly wages rose 3.1% in the 12 months through September. In opening the White House "Pledge to America's Workers" business conference in late October, Presidential Advisor Ivanka Trump claimed: "The reality is that we have an incredible economy, a robust economy. And that's because of deregulation, because of tax reform. And for the first time in history, we have more vacant jobs than we have unemployed workers to fill them."[1]

In fact, the national trends downward in unemployment and upward in job growth long predate the current administration' s arrival in 2017. The unemployment rate began steadily falling from its Great Recession peak of 10% in late 2009 and was down to 4.6% at the time of the 2016 election. Likewise, monthly job growth turned positive in early 2010 and has increased since then for a record-breaking 96 months as of October. The claim that job vacancies now outnumber jobseekers for the first time in history omits all history prior to 2001, when the Labor Department first began consistently estimating job openings.[2] And the widely cited 3.1% wage increase was in nominal wages, unadjusted for price inflation. Once inflation's erosion of purchasing power is subtracted, the real wage change over that period was a mere 0.5%. The newly released figures for October reveal that real hourly pay fell below September's level and, for the past 12 months, has increased the average employee's hourly pay by only seven cents![3]

Why, if employers are truly having more difficulty finding the employees to fill job openings, are most working people still suffering pay paralysis? Common sense – and over two centuries of mainstream economics – expects that tighter job markets should pressure employers to raise hiring incentives, especially wages and salaries.

Two possible explanations have been highlighted by most economists looking into this important puzzle. First, the labor market may not really be as tight as the unemployment and job vacancy estimates alone suggest. Alternative indicators like the broader underemployment rate and the fraction of the adult population employed may give a more complete picture. The second group of explanations draws on recent research about whether job and pay structures have decisively shifted to favor powerful employers. Insofar as power in both product and labor markets has become far more concentrated in a few large firms in key industries, with less and less counterbalance by unions, employers' pay policies may have become far less sensitive to shrinking supplies of available workers.

In this article I look briefly at these issues through a lens focused on metropolitan job markets, particularly the New York City/Long Island metro area. I first summarize the latest labor market indicators, both nationally and in the New York metropolitan area. Then I report new findings from large national surveys on the latest pay and underemployment trends in New York and other major metro labor markets. Finally, I try to summarize what these findings may imply about economists' efforts to explain recent earnings patterns.

Metro-Level Job Trends

Over half the nation's metropolitan areas now have unemployment rates below the nation's 3.6%. Still, only one in seven recorded over-the-year net job growth since this time in 2017.[4] Among this small minority, the largest metro area, centered on New York City and Long Island, now boasts more total jobs than ever before (Figures 1 and 2). In the 12 months since September 2017, New York City gained another 71,000 net new jobs – a 1.6% growth rate close to the national pace. Long Island's much smaller population gained another 10,000 jobs, though at a rate (0.7%) less than half that of the city. And its job growth has been cut about in half from its former pace last spring (Table 1).

Where have all these jobs been coming from? New York's additions last year are overwhelmingly in service industries (+60,500, or over half of all new jobs). Within this supersector, health care added 32,500 positions, mostly in ambulatory and home health services. The second leading service component was hotels, restaurants and others in the leisure/hospitality group (+11,300).

Construction employment increased the most in percentage terms (+4.4%), as the city's ongoing construction boom marked its seventh year of job growth. The boom has come in both the public and private sectors, residential and non-residential, pushing the industry's job count above 150,000 for the past two years – the most since consistent monthly job counts began in 1990. Long Island City, the section of Queens just across the river from Midtown Manhattan, is the epicenter of residential construction. One study

Figure 1
Number of Payroll Jobs in Establishments located in New York City, 1980-2018
(numbers in thousands)

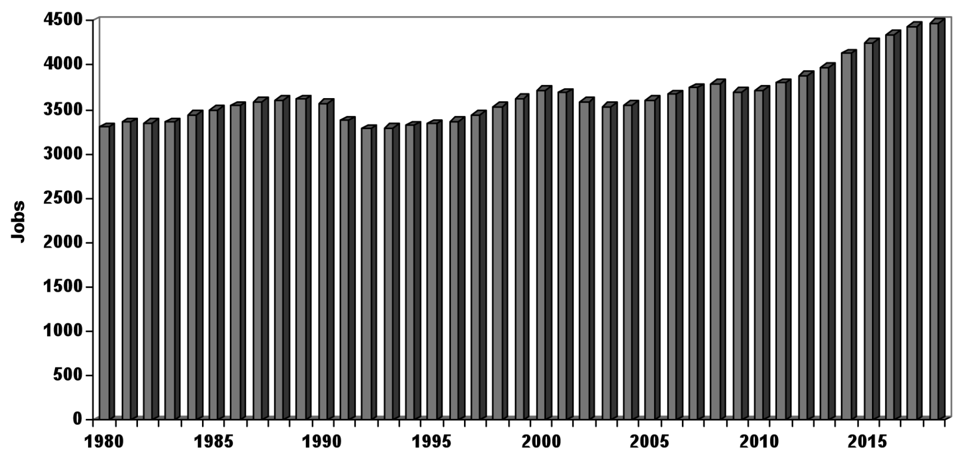
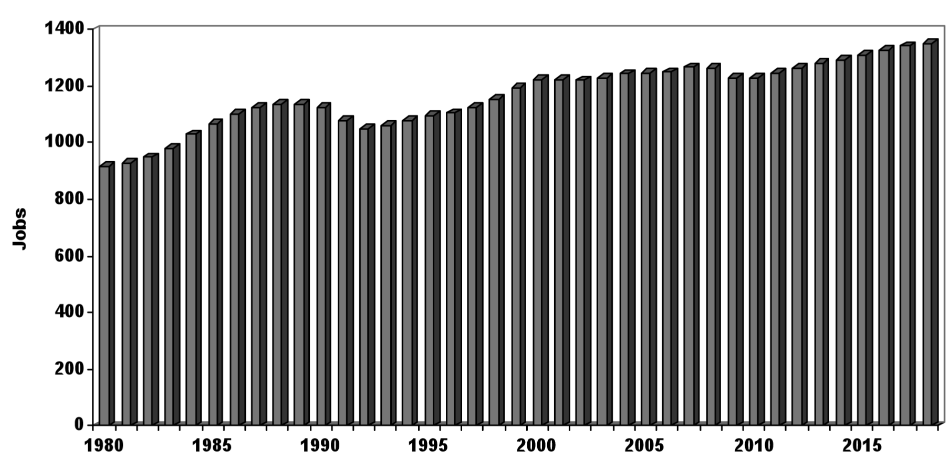


Figure 2
Number of Payroll Jobs in Establishments located in Long Island, 1980-2018
(numbers in thousands)



Figs. 1-2 Source: NYS Dept. of Labor, based on nonfarm establishment surveys, 1980-2018. Each bar through 2017 shows annual average number of jobs. Estimate for 2018 is average of first 8 months (seasonally adjusted).

of 1,000 neighborhoods nationwide ranked LIC as the site of more newly constructed apartments (+12,500) since 2010 that any other neighborhood.[5] The fact that Amazon has just chosen LIC as the site of a new headquarters complex employing 25,000 workers suggests that even more residential construction nearby will be needed in coming years. Community leaders and residents concerned about the new development's impacts on rents, congestion and already crowded public transit – and critical of the billions in state and city subsidies granted the retail giant – hope to shape the amount and location of all such future development.

Of the neighborhoods nationwide experiencing the most residential construction, four of the top ten are in Manhattan and Brooklyn. Office, hotel and other non-residential development is also booming, incurring 2018 spending over 60% above the 2017 level. Public sector infrastructure investments are also expanding, up nearly one-third in 2017-2018.[6] As part of the city's 10-year capital program, almost $20 billion of new spending is underway repairing or replacing schools, roads, bridges, airports, transit lines, and water mains.

Aside from services and construction, retailers increased hiring slightly (+3,300, or 1%) and commercial bank hiring (+2,600) counterbalanced weakness in insurance, investment banking and securities information industries. The city's hiring was flat in manufacturing, wholesale trade, government and information sectors. on-services sectors were flat or declined.

Like the city, Long Island's job growth is today narrowly concentrated in two sectors: services (+7,200) and construction (+7,000). Nearly two-fifths of new service jobs are in health care (+2,800), another 1,500 to 1,600 were added in professional/business services and in leisure/hospitality. The only other growing industry cluster is transportation/warehousing/utilities, which added a modest 1,600 (+3.7%) net new jobs.

Long Island construction registered the most rapid pace of growth: up a whopping 8.5% over the 12 months through this September. The industry's total job count averaged 90,000 in July-September, the most in 28 years of record-keeping.[7] A notable change was the rising share of new residential construction of rental units in downtowns from Bay Shore to Farmingdale to Port Jefferson. On an island with barely one-fifth of its housing stock rentals, more affordable, transit-oriented rental developments are increasingly popular as a means to attract and retain young workers. In this same 12-month span, financial positions on Long Island shrank by 2,100, the retail and manufacturing workforces each

Underemployment Rates, Ages 16–70, in 2005–2018

Year	US METROS	NYC	LONG ISLAND
2000	8.7%	11.5%	8.0%
2005	11.7	12.6	10.1
2010	20.7	17.3	14.8
2016	12.4	12.0	10.0
2018	10.3	11.0	10.0

Source: Author's analysis of CPS-ORG microdata on non-institutional, non-enrolled adults.

declined by 1,300 to 1,400 jobs and both wholesale trade and government hiring were flat. Information industries cut another 600 positions, and it appears there is more pain coming early next year: soon after Broadcom bought Islandia-based CA Tech this summer, they announced plans to lay off 262 former CA employees. The island's pace of overall job growth continues to experience a marked slowdown. The 12-month rate of job increases was running above 2% each month from November through February, then slowed to 1.5% in the spring. But the additional 10,000 jobs created between September 2017 and the same month this year represents only a 0.74% increase.

Has this job growth been sufficient to lower unemployment, improve most workers' job and pay prospects? The unemployment rate (unemployed jobseekers as a fraction of the active labor force) has certainly fallen throughout this and most other metro areas. New York City's jobless rate hovered well above the national and nearby suburban levels until 2015, but it has now fallen to its lowest level in over 40 years of consistent records. With a population and labor force more numerous than ever, the city's unemployment rate is now 4%, close to the national average. As Table 2 shows, the rate in Manhattan and Queens is just 3.6%. And the fraction jobless has dropped still more deeply to just 3.3% in suburban Long Island. Compared to the 20 other most populous metro areas, New York's rate is still well above the sub-3% Minneapolis and SF Bay area, but still comfortably mid-range (Figure 5).

The unemployment rate alone may be inadequate to fully measure labor market tightness. What do other employment measures show about how New Yorkers fare in the current job market? In order to take into account the fact that the official unemployment rate does not count those jobless persons too discouraged to keep looking for work, we used related information in the quarterly CPS to estimate the broader measure of "underemployment." The underemployed include the officially unemployed, plus the marginally attached, discouraged labor force dropouts and part-time workers unable to find full-time jobs. A still-broader alternative measure to the unemployment and underemployment rates is the fraction of each population subgroup (ages 16 and over) currently employed: the employment-population ratio.

No separate metro-level tabulations of these alternative measures are regularly published by federal, state, or local government sources. So, I conducted my own statistical analysis of the Census Bureau's raw monthly Current Population Survey (CPS-ORG) household microdata, obtained via IPUMS data files. Table 3 presents our separate weighted estimates of employment-population ratios and underemployment rates for New York City and Long Island. For comparative purposes, we also present estimates for the 20 other largest metropolitan areas. To produce large enough samples to permit reliable statistical estimates of these geographic subsets, we pooled the multiple months each year. The data for 2018 was available only through September.

The underemployment rate averaged 9 to 11% in New York and other big metro areas in the cyclical peak year 2000. The 2001 recession and slow growth years thereafter nudged it upwards to 12.6% in NYC, 10.1% on Long Island and 11.7% in other big metro areas by 2005 (two years before the start of the Great Recession). As the table below shows, that recession drove unemployment into double digits in late 2009 and underemployment shot up to 17.3% in New York, 14.8% in Nassau-Suffolk and 20.7% nationwide. But by 2016 the recovery had driven the rates back down to their pre-recession 2005 levels. And today the New York and other metros are lower still by about a percentage point.

Turning from underemployment rates to the broader employment-population ratio, Table 3 presents 2000-2018 annual average shares of the population employed, subdivided by sex, age, race and immigrant status. In 2000, at the peak of the long boom, 62.6% of New York City residents ages 16-70 held a job, nearly 10 percentage points below the rates in nearby Long Island and in other big metros. The city's low rate at that time reflected its above-average minority, recent immigrant and less-educated populations, as well as low employer demand for such workers, particularly youth. In all these metro areas, the estimates reveal large gaps by sex, race and age that year. By 2010, the recession had driven employment rates down nearly eight percentage points (to 64.2%) in other big metros, but by less than one-third as much in New York (to 60.2%), thereby cutting the jobholding gap between them in half. The city's economy – fueled by rising tourism, government bailouts of Wall Street, and a record-breaking population surge – recovered faster than most of the country. So also did its jobholding rate regained its pre-recession level by 2016, well ahead of Long Island or other large metros.

Since employment rates for those ages 16 to 70 may increasingly be affected by more ageing baby boomers and by growing youth school enrollment, I used the microdata to calculate separate figures for the prime-age population ages 25–54 who were not enrolled in school at the survey date. In 2018 among this prime-age subset, the employment shares were: 76% in NYC, 81% on Long Island and 80.2% in other metros nationwide – jobholding rates higher than or identical to those recorded in each of these locations in 2000 (74.1%, 79.9% and 81.6%, respectively).

Wage Trends

We have just seen that, whether considering the official unemployment rate or such broader measures as underemployment and the employment-population ratio, the labor markets here appear roughly as tight as they were in the peak year of the longest economic boom in U.S. history. So has this translated into comparable wage growth in New York and other large metro areas, as traditional competitive market viewpoints predict?

Looking first at the national picture, Figure 7 traces inflation-adjusted annual averages from 1964 to 2018. The estimates are limited to nonfarm employees in nonsupervisory service jobs, as well as production workers in manufacturing, mining, forestry and construction – i.e., four-fifths of all private sector employees. I have adjusted the yearly wages to their 2018 purchasing power with the CPI-W price index. In the 1960s and early seventies, real wages increased by nearly $3/hour, or +14.3% in 1964-73 (or average growth of +2.84%/year). They peaked at $22.78 in 1972. Wages fell during the 1973–75 recession years, partially recovered, then fell with little respite during the Reagan and Bush administrations. From a low of $19.11 in 1995, real wages began a steep recovery during the record-breaking boom of the late 1990s that lasted until peaking at $21 in 2003. The 9.8% upturn in 1995-2003 increased average annual real wages (in $2018) by $1.88/hr. – a full dollar below the 1964-73 increase.

Table 1
Table 1: Number of Nonfarm Jobs (in thousands) by Place of Work: New York City, Long Island & All U.S., Sept. 2010-Sept. 2018
(in thousands, not seasonally adjusted)

	Sept. 2018	Sept. 2017	Sept. 2010	% Change 2010-2018	% Change 2017-2018
U.S.	149,741	147,177	130,669	14.60	1.74
NY State	9,645	9,535	8,533	13.02	1.15
NYC	4,494	4,423	3,719	20.82	1.61
Long Island	1,356	1,346	1,230	10.25	0.74

Table 1 Source: Establishment survey data from US Department of Labor. Note that data reflect regular revi s ions by Dept. of Labor.

Table 2
Civilian Labor Force, Employment & Unemployment
(in thousands, not seasonally adjusted)

AREA	Labor Force September 2018	Labor Force September 2017	Employed September 2018	Employed September 2017	Unemployed September 2018	Unemployed September 2017	Unemp. Rate September 2018	Unemp. Rate September 2017
U.S.	161,957	161,050	156,191	154,494	5,766	6,556	3.6%	4.1%
NYC	4,217.0	4,243.2	4,047.3	4,052.1	169.7	191.1	4.0	4.5
Brooklyn	618.7	623.6	585.3	586.0	33.4	37.6	5.4	6.0
Bronx	1,244.1	1,251.8	1,192.5	1,193.9	51.6	57.9	4.1	4.6
Manhattan	938.8	944.1	905.0	906.0	33.8	38.1	3.6	4.0
Queens	1,189.0	1,195.8	1,147.3	1,148.6	41.7	47.2	3.5	3.9
Staten Island	226.4	228.0	217.3	217.7	9.1	10.3	4.0	4.5
LONG ISLAND	1,505.6	1,499.0	1,455.6	1,434.2	50.0	64.8	3.3	4
Nassau Co.	716.3	713.0	692.8	682.7	23.5	30.3	3.3	4.2
Suffolk Co.	789.4	786.1	762.9	751.5	26.5	34.6	3.4	4.4

Table 2 Source: CPS household survey data from NYS Dept. of Labor. Data reflect regular revi s ions by Dept. of Labor

Figure 3
NYC Job Growth by Industry: Sept. 2017 – Sept. 2018
(in thousands of jobs, and percent change)

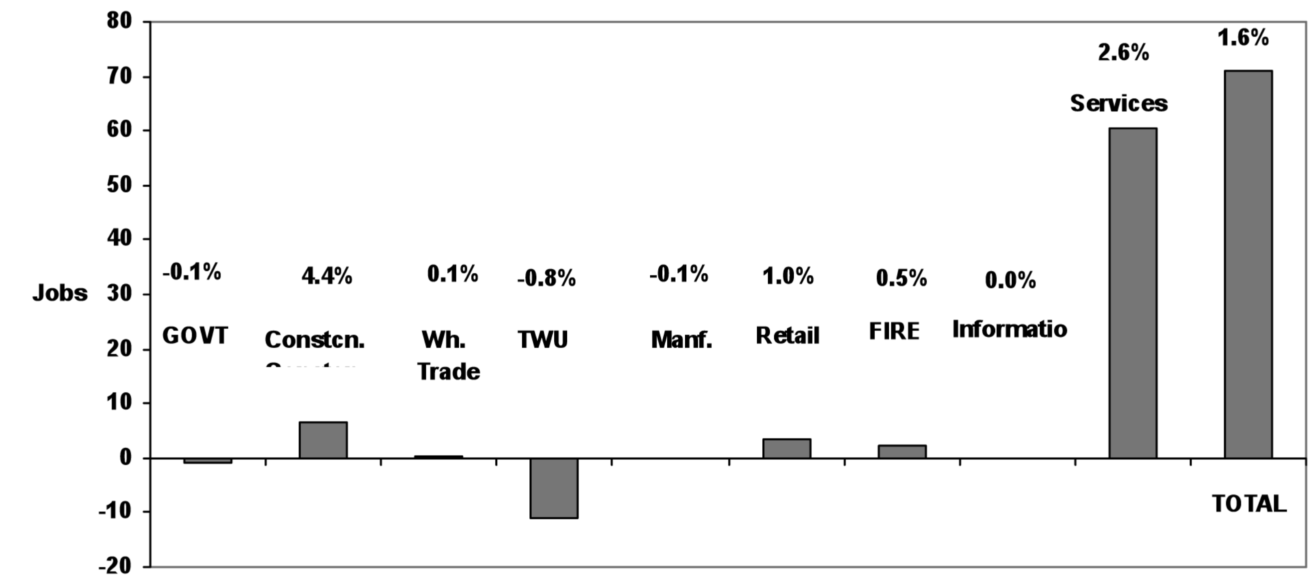
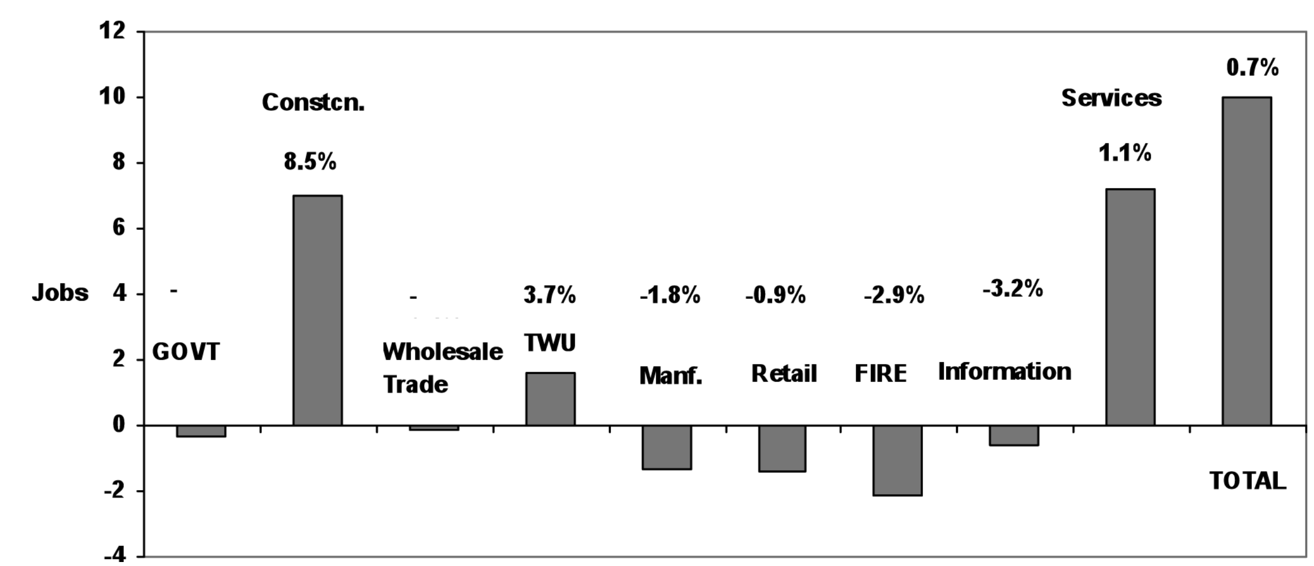


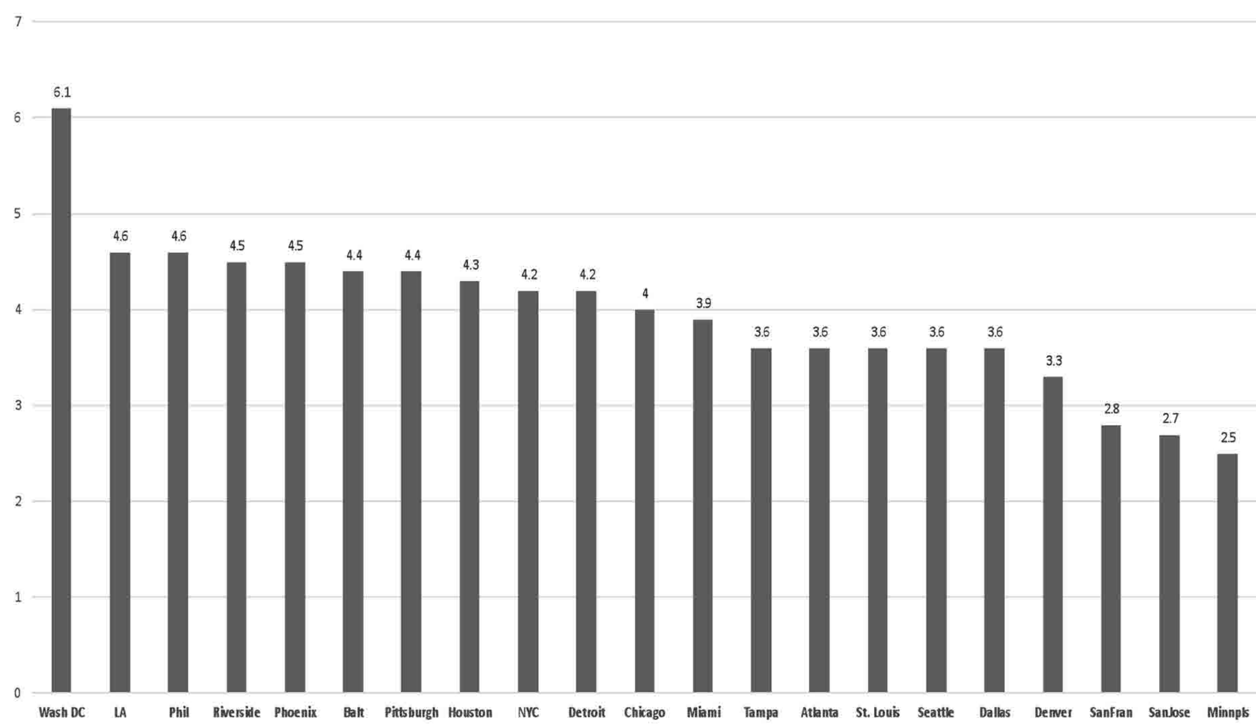
Figure 4
Long Island Job Growth by Industry: Sept. 2017 – Sept. 2018
(in thousands of jobs, and percent change)



Figs. 3-4 Source: NYS Dept. of Labor: nonfarm payroll job data from CES establishment survey in Nassau & Suffolk counties. Year-to-year changes, not seasonally adjusted.
Note: FIRE = Finance, Insurance & Real Estate; TW U= Transport, Warehousing & Utilities.

Figure 5

Youth Unemployment Rates(%) by Race/Ethnicity,Long Island, 2005, 2010 & 2014



The lagged pay impact of the Great Recession pulled down average wages in 2010-12, but then they started recovering and reached $22.68 by the end of the Obama Administration in 2016. Since then, earnings have barely kept up with higher price inflation: the average wage has effectively stagnated today at just six cents above its 2016 level. Over the span 2010-18, the real pay average rose by just +87 cents/hr. – $1 lower growth than in 1995-2003. So, it has taken 46 years for American workers' average wages to finally creep back almost to the 1972 level and they are still rising at an unusually slow pace.

To track comparable wage trends for New York City and Long Island, I analyzed monthly Current Population Survey (CPS-ORG) household microdata for each year since the 2000 peak year. The study sample was restricted to: prime-age, full-time, nonfarm employees in nonsupervisory service jobs, as well as production workers, who are not enrolled in school. The estimates in Table 4 reveal that average New York City hourly pay has moved relatively little between 2000 and 2018, rising by a mere 29 cents/hr. over nearly two decades. But the second and third columns reveal that underlying this overall stasis through 2010 was a slight decline in male wages counterbalanced by a modest rise in women's pay. Since then, women's average hourly pay has actually trended back down, so that today it is only 44 cents above the 2000 level. Women resident on Long Island have fared better and their pay now ($26/hr.) averages about 15% above what it was in 2000 – better than all others, but still a weak growth rate of under 1% per year. Other large metros have also surpassed their pre-recession pay levels in 2000, but by well under a $1 per hour raise.

Explanations

How can owe begin to account for our findings of such weak wage growth? One still not uncommon claim made by conservative economists and politicians pins much of the blame on workers' lack of needed skills. Rapid advances in computing and telecom are said to have created "skill-biased technical change" (SBTC) leading to an alleged mismatch between jobseekers and employers' modern skill demands. The fact that today the average wage premium of college grads over noncollege workers is at a record high is often cited as evidence. If pay paralysis is all the fault of labor supply, employers and government officials can avoid any accountability and limit their responses to calls for more schooling, apprenticeships, high-skill immigration and other workforce upgrades.

However, even college graduates and those with advanced degrees have experienced shrinking wages over the past decade. The median college grad wage rate fell by $4 per hour (-1.59 percent per year) and the wage of workers with advanced degrees fell by $2.25 (-0.64 percent). Wage declines hit both males and females with top educational credentials. So, while higher education still offers a

Table 3.
Employment Rate of Adult Population (E/P), 2000-2018
New York City, Long Island & Other Big Metro Areas *(in %, annual averages)*

	All	Men	Women	Whites	Blacks	Hispanic	Youth 16-24	Foreign Born
US METROS								
2000	72.0	79.4	64.9	75.0	65.6	69.6	58.4	73.4
2010	64.2	69.7	58.8	67.5	56.2	62.0	42.4	62.8
2016	67.3	73.6	61.2	70.1	61.5	65.8	47.6	65.4
2018	68.8	75.1	62.8	71.2	64.7	67.4	48.5	70.2
NYC								
2000	62.6	70.1	55.8	67.3	59.4	59.2	45.5	46.5
2010	60.2	65.9	55.0	65.7	55.6	56.3	35.4	50.2
2016	62.8	68.8	57.2	67.9	58.8	58.6	36.1	53.8
2018	63.6	69.3	58.3	69.0	57.7	61.7	39.0	50.1
LONG ISLAND								
2000	70.0	76.9	63.6	70.7	62.6	67.6	54.2	72.5
2010	67.8	74.5	61.2	67.6	68.3	66.1	41.6	63.1
2016	67.2	72.4	62.0	66.5	71.9	69.6	38.6	41.6
2018	67.3	70.9	63.5	66.8	67.5	68.3	45.6	51.7

Table 3 Note: US Metros are 20 largest outside NY. 2018 rates through September only.
Source: Author's analysis of CPS-ORG monthly microdata from US Dept. of Labor, BLS.

large pay premium after graduation, the size of that wage advantage has declined, not risen, since the pre-recession years. This finding runs counter to the SBTC explanation and suggests that other factors than just training and technology must lie behind recent earnings trends.

With national and local unemployment rates and related employment measures at historic lows and with skill-shortage claims inadequate, traditional market-driven forces appear unsuited to explain today's feeble earnings growth. So, economists have had to look for other explanations, many of which highlight an historic shift in power to corporate boardrooms.

A growing number of economic studies has documented another potentially important source of pay paralysis: the rise of concentrated corporate power in product markets (monopolies) and labor markets (monopsonies). If more and more workers are trapped in an uncompetitive "rigged labor market," effectively controlled by a handful of big corporations, their ability to rapidly move to different, better-paying jobs may be tightly limited, thereby blocking their pay progress.[8] An estimated one in four American workers today is forced to sign a "non-compete agreement" as a condition for employment. Though often defended as a needed protective for "trade secrets," non-competes have spread even to low-skill retail, including a majority of fast-food franchises. If an employee quits a job with a noncompete agreement, her former employer can litigate and have that worker barred or ousted from a new job by court order. Still another major obstacle to worker mobility, occupational licensing, has been extended from technical jobs to even hair stylists. And the spread of mandatory arbitration agreements in job contracts has further limited employees bargaining power when they seek to oppose unfairness in promotions, compensation or other job conditions. Over the last two decades, the fraction of employees subject to such agreements has more than doubled (to 55%).[9]

Rightward policy shifts in the White House, Congress, the courts and many statehouses have much aided large employer's control of job markets. Since 2010, at both the state and national level, Republican leaders have mostly resisted increases in the minimum

Table 4.
Median Real Wages of Full-time Non-Managerial Workers, Ages 25-54,New York City, Long Island & Other Big Metro Areas, *(In $ 2018, annual median)*

	All	Men	Women
US METROS			
2000	$22.28	$24.62	$20.19
2010	21.98	23.86	20.57
2016	22.60	24.09	20.90
2018	23.00	25.00	20.94
NYC			
2000	21.71	22.61	20.71
2010	21.83	21.83	21.83
2016	22.08	23.44	21.64
2018	22.00	23.06	21.15
LONG ISLAND			
2000	26.38	28.99	22.61
2010	25.11	27.25	24.13
2016	24.72	26.03	22.51
2018	27.88	28.00	26.00

Table 4 Note: 2018 wages & salaries through September only. Source: Author's analysis of CPS-ORG monthly microdata from US Dept. of Labor, BLS.

wage and led "right-to-work" efforts to gut unions' ability to collect fair-share fees from the nonunion workers they represent. They have a new ally on the increasingly pro-employer, anti-labor Supreme Court. Its recent Janus ruling threatens funding for all public sector unions. And Brett Kavanaugh, its newest member, has long held an expansive view of employer rights to suppress union organizing.

Finally, pay paralysis is clearly correlated with the decline of union membership and bargaining clout of recent decades. Workers with union representation average a sizable union advantage in wages and benefits over nonunion jobs, so deunionization is an obvious explanatory factor in wage stagnation.[10] The New York Metropolitan Area can be viewed as a special test case, for it is the most highly unionized metro region in the country. In New York City and Long Island, nearly one in four workers is a union member – over twice the national rate.[11] How has the pay of workers with union representation fared compared to nonunion employees in recent years? Workers with union representation today average 30 percent higher hourly pay than nonunion Long Islanders. Of course, possible variations between these work forces in age, education, experience, job responsibilities and other factors may affect pay differentials. Studies like those referenced above have controlled for many such variables in research on larger data sets and generally found a still-considerable union pay advantage, positively related to relative bargaining strength.

However, New York's union density is far higher in the public sector (75 percent) than in the private sector (13 percent), where organized labor's bargaining strength is likely to be weaker. In a 2017 study, we found that, over the past decade, the local median union pay rate has been cut by over $2 while the nonunion wage has risen slightly. The union wage premium in the private sector is now just 11 percent and has been cut by over half from its pre-recession level (26.3 percent). As we have seen above (Figures 3 and 4), post-recession job growth has been low or negative in the public sector, thereby denying its heavily unionized workforce the possible pay bargaining benefits of a tight labor market.

Yet even in the hottest part of the private sector, New York's long-powerful buildings trades unions are struggling to win pay improvements. In the midst of this historic building boom, with all sorts of skilled workers in high demand, New York developers have increasingly challenged wage and benefits standards. During the building slump of the Great Recession, developers demanded concessions from carpenters, electricians and other building trades unions. The unions responded with project labor agreements (PLAs) that contained no-strike pledges and harmonized compensation and work rules across the many different crafts on building projects. But since then, more big developers have pushed for concessions as competition from growing nonunion firms has increased. According to one report, the union share of the city's current building projects has fallen to two-thirds in Manhattan and two-fifths in the other four boroughs.[12]

The pitched battle is especially intense today at the massive $25 billion Hudson Yards residential and commercial complex now underway on Manhattan's West Side. The city's biggest developer, Related Companies, has aggressively shifted from all-union workers to an "open-shop" approach pitting union standards against typically lower nonunion rates. Related has filed a lawsuit against the Building and Construction Trades Council of Greater New York (BCTC), the unions' umbrella group, claiming its member unions have violated their PLAs. The BCTC has responded with daily picket lines at Related's $4 billion office tower now under construction and has filed complaints of employer harassment with the NLRB. According to BCTC President Gary LaBarbera, Related "continues to look for deeper and deeper concessions, while they're selling condos for $32 million."[13]

The construction unions' fight to protect their workers' livelihoods has made some headway with political allies in City Hall and at the statehouse in Albany. When worker deaths on (mostly nonunion) construction sites surged, the BCTC successfully lobbied the NYC City Council last year to pass a new requirement that all construction

Figure 6
Unemployment Rates in U.S., NYC & Long Island, 2016-2018, *(% monthly, seasonally adjusted)*

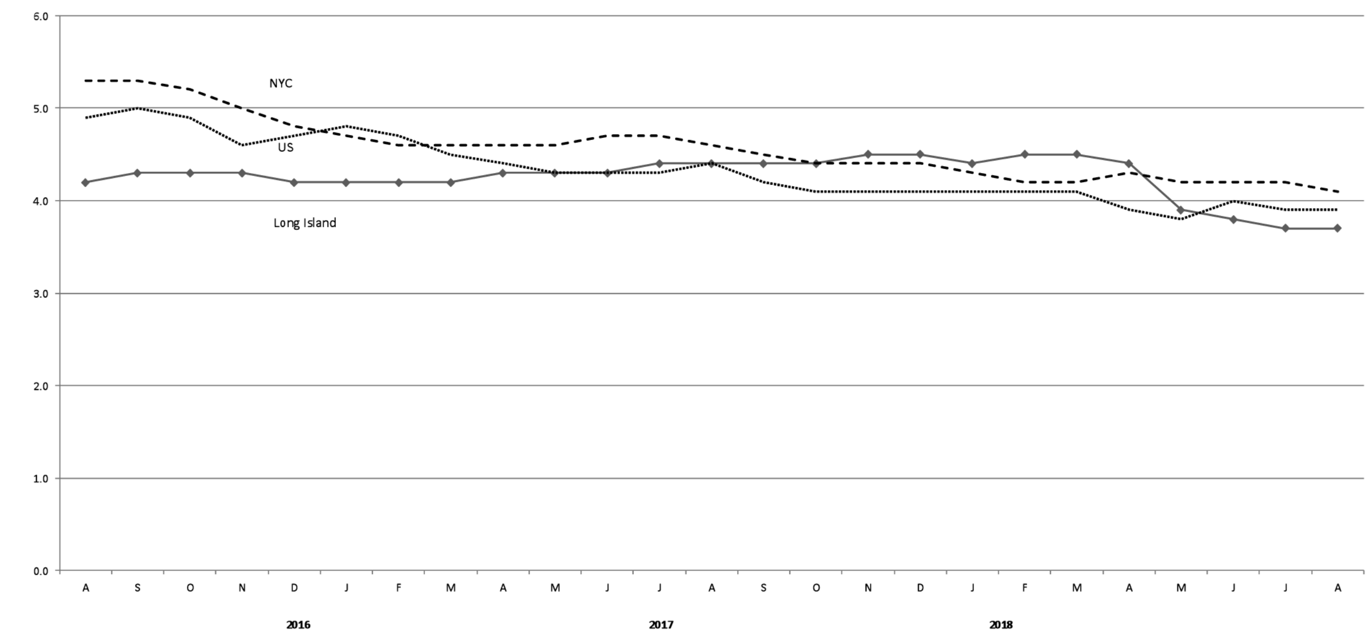
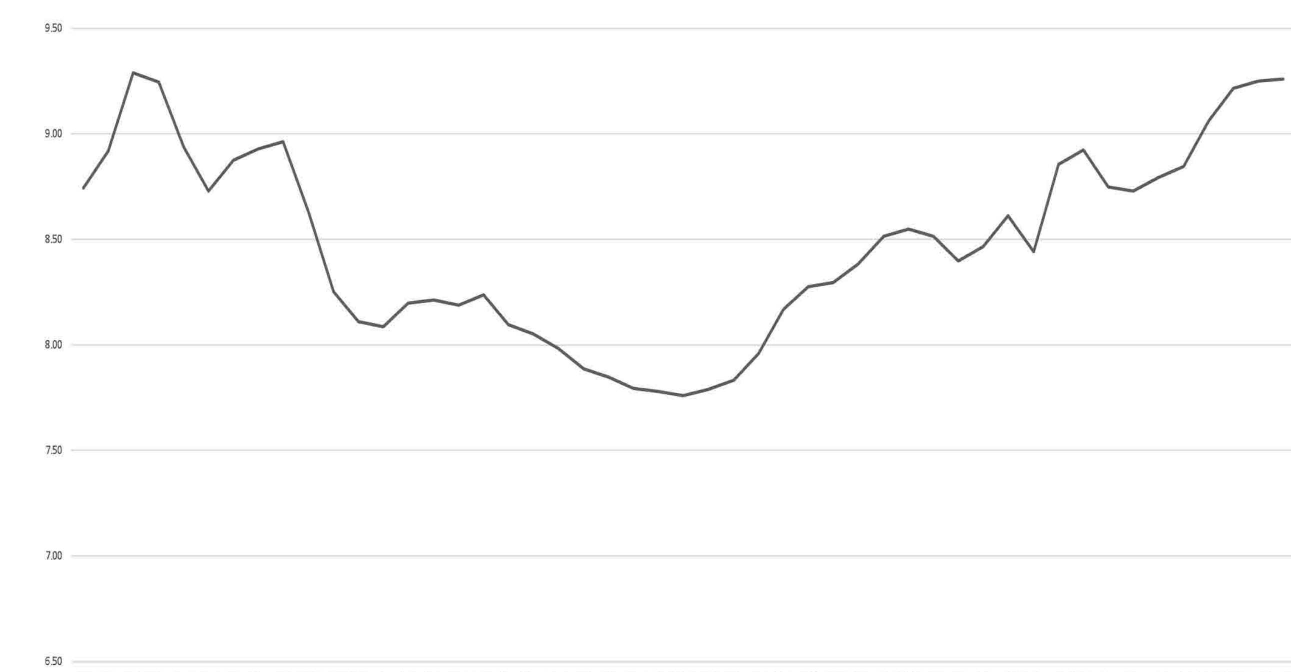


Figure 7
Long Island Job Growth by Industry: Sept. 2017-Sept. 2018, *(in thousands of jobs, and percent change)*



Figs. 3-4 Source: NYS Dept. of Labor: nonfarm payroll job data from CES establishment survey in Nassau & Suffolk counties. Year-to-year changes, not seasonally adjusted. Note: FIRE = Finance, Insurance & Real Estate; TW U= Transport, Warehousing & Utilities.

workers must now be provided at least 40 hours of safety training. The new safety law's chief opposition came from the Real Estate Board of New York.[14]

And in 2018, a coalition of building trade unions has been backing new legislation in Albany that would expand prevailing wage standards to even largely private projects that receive tax breaks or other government subsidies. Strong construction unions and the state's prevailing wage laws have long ensured that workers on state-financed projects must receive compensation comparable to that of largely unionized private sector unions. For example, the current prevailing wage in New York City for a journeyman carpenter is $53.63/hour, plus $50.62/hr. supplemental benefits; for a journeyman glazier the prevailing wage is $54.75 plus $32.39 /hr. supplemental benefits. Rates can vary markedly by specific occupation and are far lower for apprentices. The new legislation's chance of passage into law was enhanced in the November midterm elections when Democrats won majorities in both chambers of the statehouse.

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Will Public Sector Unions Survive the Supreme Court's Janus Decision?

by Karen P. Fernbach

On Friday, June 29, 2018, the very last day of the US Supreme Court's term, the Court issued *Janus v. AFSCME, Council 31*,[1] perhaps its most controversial decision of the year. Labor and management lawyers, union representatives, legal scholars, pundits and millions of concerned employees and employers all anxiously awaited the outcome. The drama was heightened by the fact that this was also the very last decision signed by Justice Anthony Kennedy, on the bench for over three decades and known sometimes as a swing vote. In the end, Justice Kennedy joined the majority opinion, then announced his retirement within hours.

The decision by the Court was not particularly surprising based upon the recent composition of the Court and the questions that were raised by the Justices during the oral arguments presented to the Court on February 26th. The *Janus* decision was authored by Justice Samuel Alito and supported by four other justices: Roberts, Thomas, Kennedy, and Gorsuch, the newest addition to the Court.

The justices voted 5-4 vote to overrule the Supreme Court's decision in *Abood v. Detroit Board of Education*,[2] which had stood the test of time since its issuance 41 years ago. The First Amendment issue raised by the Petitioner, Mark Janus, was the same issue that had been presented to the Court in *Abood*, yet this time the majority overruled *Abood*. Justice Alito, writing for the majority, stated that the Court's earlier analysis of the First Amendment was erroneously decided. Further, he argued that the majority decision was supported by a long line of Supreme Court cases.

Specifically, the issue in *Abood* was whether it was a violation of the First Amendment to permit an agency shop provision in the Detroit Board of Education's negotiated collective bargaining agreement that required all teachers, as a condition of employment, including non-members, to pay an agency fee (also known as service fee) that was equivalent to the dues amount. The First Amendment issue was raised by non-member teachers who opposed associating with the labor union because it went against their ideological beliefs. Therefore, the argument was that requiring them to pay fees to the union violated their First Amendment right not to associate with it.

The 1977 *Abood* decision was written by Justice Stewart and joined by five other Supreme Court Justices, with three Justices issuing concurring opinions. It struck the right balance in considering the arguments raised by both parties. First, the Court held that requiring the payment of agency fees to the union was valid so long as the teachers were only required to pay that portion of the service fee that was used for collective bargaining purposes. Second, in considering the First Amendment argument, the Court agreed with the Petitioner to the extent that it held that the compulsory portion of the fee that went towards political or ideological activities, such as lobbying, funding, and campaigning on behalf of political candidates was a violation of its non-members' First Amendment rights. The rationale for this part of its decision was that the dues spent on political activities were unrelated to the union's core function of collective bargaining and therefore, public sector employees could not be compelled to support a union's political activities that they disagreed with.

This was a decision that remained the law of the land for over four decades. Since *Abood*, more than 20 states passed legislation that charged non-members only their fair share, i.e. that portion of their dues that went towards collective bargaining, contract administration, and grievance adjustment activities. During this 41- year period, public sector unions were strengthened. They were able to secure favorable benefits for the employees they represented. Union membership increased across the country, and unions had the financial ability to support political candidates who supported the advancement of employee rights and increased social benefits.

Today, the fraction of American workers with union protections has plummeted from about one-third in the mid-1950s to one-tenth today. The only area where there has been an increase in union strength is in the public sector. The national union density rate of public sector employees is now 34.4%, compared to just 6.5% of private sector employees.[3] Interstate differences are pronounced. New York State continues to have the highest union membership rate in the country at 23.8% overall, while South Carolina's 2.6% density is the lowest of any state. Most revealing is that nonunion workers (including both public and private sector) have median weekly earnings that are only 80% of the earnings received by workers who are union members ($829 versus $1,041).

In 2017, 7.2 million employees in the public sector belonged to a union, compared with 7.6 million workers in the private sector. Within the public sector, the union membership rate is highest in local government (40.1%) which employs many workers in heavily unionized occupations such as teachers, police officers, and fire fighters.[4] And the State with the highest union membership rate in the public sector in 2017 is New York, with 73.1% of state and local government employees represented by a labor organization.[5]

Attacks on Union Power

The conservative political movement became more dominant nationwide during these past ten years. One of its goals, is to reduce labor unions' power, both politically and financially. The intent of the conservative movement is to thwart the progressive agenda supported by most labor unions and to weaken their influence in lobbying and in support of liberal candidates in federal, state, and local elections. Thus, revisiting *Abood* was a key strategy supported by conservative politicians, their electorate and organizations, such as the Right to Work Committee.

What exactly is the mission of the Right to Work Committee and Right to Work Legal Defense Foundation? On their own web page the organization's "Frequently Asked Questions" page states: "The Right to Work principle affirms the right of every American to work for a living without being compelled to belong to a union."[6] The National Right to Work Committee, founded in 1955, "lobbies the Congress and state legislatures for the elimination of all forms of forced unionism."[7] And, "The Foundation works solely through the courts to assist employees whose human or civil rights have been violated by abuses of compulsory unionism."[8]

Today, based on the successful efforts by conservative politicians along with the support of conservative organizations, most notably the Right To Work Committee, 28 of the 50 States have passed right-to-work laws. These laws make it illegal to compel any person as a condition of employment, to join or not to join, or to pay dues to a labor union.[9]

Union leaders quip that the slogan "Right to Work" is very misleading. They sarcastically call it "The Right to Work for Less Pay". Legal scholar, Moshe Z. Marvit, a fellow at the Century Foundation and labor and civil rights attorney, recently wrote an article for *The Nation* entitled "For 60 years, This Powerful Conservative Group Has Worked to Crush Labor."[10] *Marvit* traced the history of the Right to Work Committee and concluded that its goal was always to crush the American labor movement. According to Marvit, their strategy was to break the unions from within by lobbying Congress to pass The Taft-Hartley Act of 1947. Taft-Hartley amended the Wagner Act (the 1935 National Labor Relations Act) by (among other changes) adding Section 14(b). Under Section 14(b),[11] states were now permitted to pass "right to work laws" that would prohibit the "execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or Territorial law"

The term "free rider" was coined to describe such employees. And to date, through the efforts of the Right to Work Committee, there has been an upsurge of states that have passed right-to-work laws.[12] This has caused a steady decline in the number of union members in the country, particularly in the private sector.[13] Now, based on the *Janus* decision, there is concern that public- sector unions will face a similar membership drop.[14]

One of the additional objectives of the Right to Work Committee was to reverse *Abood* since it protected the right of public sector unions in non-right-to-work states to negotiate compulsory union fee arrangements for both members and non-members they represented. There were several earlier attempts to attack the reasoning of Abood. One of the key cases attacking the legality of compulsory union fees in the public sector was a decision issued in 2014, *Harris v. Quinn*.[15] There, Justice Samuel Alito, writing for the majority, stated that the *Abood* decision rested on "questionable foundations" but he did not find this case to be an appropriate vehicle to overturn *Abood*.

The case that came next was considered ideal for reconsidering the legal underpinnings of the *Abood* decision: *Frederichs v. California Teachers Assn*.[16] The Petitioner, Rebecca Frederichs, was a teacher in California who brought this lawsuit. The lawsuit attacked the mandatory union agency requirement for teachers employed in California. The Ninth Circuit dismissed the case based on the Supreme Court's holding in *Abood* which it was bound to follow. The decision was appealed to the Supreme Court. The National Right to Work Legal Defense Foundation submitted an amicus brief supporting Petitioner's legal argument. *Frederichs* was widely viewed by many to be the vehicle that would undo the mandatory agency fee requirement for non-members employed in the public sector. It was also anticipated that Justice Scalia was going to support Justice Alito's interpretation of Abood, thereby ensuring a 5-4 decision overruling it under First Amendment grounds.

But the unions were given a reprieve. For after the oral argument and before the decision issued, Justice Scalia passed away unexpectedly, leaving an 8-member court that resulted in a 4-4 decision. The deadlock meant that *Abood* remained the law of the land. But not for long.

In 2017, the same issue was presented to the Supreme Court in *Janus v. AFSCME, Council 31*.[17] In *Janus*, the petitioner Mark Janus, an Illinois government employee, brought a lawsuit in Federal District Court in Illinois claiming that the agency clause in his collective bargaining agreement requiring all employees to pay dues or the equivalent agency fees for non-members violated his and other non-members' First Amendment rights. He was represented by counsel to the National Right to Work Legal Defense Foundation. Janus argued that his First Amendment rights were violated because he was forced to subsidize a union whose positions on collective bargaining and other political or ideological issues he strongly objected to. This was likened to be a form of compelled speech.

This time when the case reached the Supreme Court, it was comprised of its full complement of nine Justices with the addition of Justice Gorsuch, who had filled the vacancy created by the passing of Justice Scalia. The *Janus* decision was not a complete surprise. In reviewing the prior cases discussed above, most scholars viewed *Janus* as the likely decision that would overrule *Abood*.

Janus was a 5-4 decision with the majority opinion overruling Abood. The majority concluded that requiring the payment of agency fees was a violation of its non-members' First Amendment rights not to associate with an organization that supported political and ideological activities that went against their core political and ideological beliefs. Further, the majority opinion cited ample First Amendment precedent for the proposition that freedom of speech does not only include the right to speak freely, but also includes the right to refrain from speaking at all.

Significantly, the majority went one step further and concluded that even that portion of union fees used strictly for collective bargaining negotiations was inherently political in nature. The theory was that the Union's collective bargaining negotiations with the State such as, for example, seeking proposals for increases in wages and benefits or a reduction in teacher to student ratio, required the state to make policy decisions on how it chose to allocate its revenues. A fortiori, these decisions were, in essence, political decisions.

The Court was very divided in the *Janus* case. A strong dissenting opinion was filed by Justice Kagan and supported by Justices Sotomayor, Ginsberg and Breyer. Justice Sotomayor joined Justice Kagan's dissent in full but also filed her own dissenting opinion where she noted "... the troubling development in First Amendment jurisprudence over the years, both in this Court and in lower courts..."[18]

Justice Kagan's strongly worded opinion stated that the Abood decision balanced the union members and non-members interests by only requiring payment of fees that went towards collective bargaining and not for political or ideological activities. Further, she pointed out that the Abood decision prevented the rise of "free riders" who refuse to pay for any fees, even those related to their own representation notwithstanding that the Union has a legal duty to represent them. Justice Kagan saw little justification for overruling the Abood decision and stated that the majority decision "subverts all known principles of *stare decisis*."[19]

Justice Kagan went on to state that:

> "There is no sugarcoating today's opinion. The majority overthrows a decision entrenched in this Nation's law – and in its economic life – for over 40 years. As a result, it prevents the American people, acting through their state and local officials, from making important choices about workplace governance. And it does so by weaponizing the First Amendment, in a way that unleashes judges, now and in the future, to intervene in economic and regulatory policy"[20]

Accordingly, the Janus decision holds that all employees working in the public sector will no longer be required to pay any dues or fees to the union that represents it for collective bargaining, unless they affirmatively provide their free and explicit consent.

As stated earlier, 2017 BLS figures prior to the Janus decision indicate that approximately 34.4% of public-sector employees were represented by unions, compared to 6.5% in the private sector.[21] Further, in New York State, the numbers are much higher with approximately 73.1% of public sector employees represented by a union.[22]

The majority opinion was viewed by pundits and legal scholars as a threat to the continuation of public sector collective bargaining. It was suggested by some that since non-members would no longer be required to pay any dues or fees, this would likely result in a precipitous decline in union membership. Current union members would consider withdrawing their membership so that they too could become "free riders."[23] And if this happened, it would financially cripple labor unions' ability to continue representing employees within the public sector. And, without the collection of union dues, this would in turn reduce unions' ability to fund political causes beneficial to their members and employees in general.[24]

This anti-union trend was already well under way in our country. Within the past few years, Republican- controlled State legislatures were successful in passing Right-to-Work laws in states that had historically been supportive of labor. They included Wisconsin, Michigan, Indiana, Kentucky and West Virginia.[25] Mission accomplished: this has resulted in a decline in membership in some, if not all, of those states.

Immediate Aftermath of *Janus*

Some think *Janus* could backfire on the conservative movement behind it. Noam Scheiber, labor reporter at *The New York Times*,[26] has stated that unions representing public sector employees in the country have been waiting for the Janus decision to issue. They have been preparing a pro-active strategy to maintain union membership. So, when the *Janus* decision finally issued on June 27th, it was no great surprise given the conservative SCOTUS majority. Unions were ready to fight for their survival. In fact, according to Scheiber, since *Janus*, unions have become reinvigorated. They have begun to focus more on being customer service businesses, rather than taking their union membership and automatic fees for granted. Having to work harder has made unions more aggressive in convincing employees why they need a union.

Scheiber also points to the recent trend by teachers who have mobilized for better benefits across the "red states" (Republican controlled) such as West Virginia and Oklahoma. These are both right-to-work states, but this year the teachers engaged in walkouts to protest the low wages they receive and the refusal by their state legislatures to grant them any increases. Scheiber explained that the teachers in West Virginia and Oklahoma have been severely

underpaid for many years because the State legislatures do not want to spend additional revenues that would translate into higher taxes for its constituents. The teachers' collective action in West Virginia was very successful and pressured the legislature to grant a 5% wage increase, not only for teachers but for all state workers.

Similar teacher walkouts have occurred in other right-to-work states this year in Arizona, North Carolina, Colorado and Kentucky.[27] And it was reported that in West Virginia, the American Federation of Teachers (AFT) have added 1,250 members after the walkout. Also, in Florida, another right to work state, the AFT has 7,300 more members than it did a year ago. According to Jim Testerman, the senior director at the National Education Association, (NET), which is the country's largest public-sector union, membership is up 1.1% across all states, and 2.2% in walkout states.[28]

This uprising by teachers in right-to-work states may be a teachable moment and something public sector unions can draw upon in order to convince their membership to maintain union solidarity. Public sector employees in non-right-to-work States already know the power of collective action, having reaped the benefits of collective bargaining over the past 40 years. But Scheiber posits that in heavily organized states such as New York, California, Pennsylvania, and Illinois, where public sector unions are still powerful, labor leaders need to communicate better with their members about the virtues of remaining a union member. They need to make sure their members are aware that the benefits they receive are the result of collective bargaining.

Finally, Scheiber posits that the conservative movement did not foresee any of these recent concerted employee protests by teachers in right-to-work states. Thus, he suggests that it is possible that the teacher walkouts this summer will be a rallying cry for public sector employees to remain steadfast supporters of their unions.

Union Mobilizing Against *Janus*

As of this writing, it has been over three months now since the *Janus* decision issued. In New York State, there is now cautious optimism by public sector labor unions. The Unions have been gearing up to defend their existence since as far back as 2014 when the *Frederich* decision was pending before the Supreme Court. How has the labor movement reacted to the *Janus* decision in New York? Viewing the post-*Janus* union efforts by public sector unions in the state, one can see a sophisticated strategy to combat the potential decline in union membership. Most unions have developed a local campaign reaching its members through social media, direct one on one conversations, visits to members' homes, union meetings, mailings, phone contacts, all designed to ensure that its members understand the importance of union representation. Some members have been asked to sign recommitment union pledge cards as a rallying cry for solidarity.

Union representatives have been proactive by reaching out to their members. For example, this summer, New York State United Teachers (NYSUT) mailed out literature to all of its 600,000 members advertising the benefits of membership. United Federation Teachers' (UFT) President Mulgrew recently urged its members to show their solidarity by marching in a large-scale Labor Day parade planned in New York City. All members and their families were invited to a barbecue being held after the parade. This is certainly not emblematic of a withering union, but rather, one that is even more mobilized and energized since *Janus*.

On Long Island, union leaders are equally proactive in ensuring that membership stay strong and united. New York State Public Employees Federation for Long Island (Region 12) represents 5,000 dues-paying members working as professional, technical, and scientific employees. In an interview with Nora Higgins, the Regional 12 Coordinator, she told me that, after the *Janus* decision, only a handful of dues-paying members resigned from her Region.[29] And across the State, her Union represents a total of about 54,000 dues-paying members. She reports that there is a new energized membership. She gladly notes that despite the dire predictions since *Janus* issued, "labor leaders are extolling the unintended favorable consequences in maintaining and even increasing union membership."

And Nicholas J. LaMorte, the President of Region 1, the largest local of the Civil Service Employees Association (CSEA) on Long Island, with a membership of 48,000 has also experienced a favorable outcome.[30] His Union staff and volunteers have geared up what he describes as a "Member Engagement Blitz" which is a statewide effort to mobilize its members about the Janus decision. Statewide there are approximately 300,000 members of CSEA representing public employees in state, local government, private sector and retirees.

He explained that CSEA staff and volunteers are busy educating their members about their benefits that only came about as a result of collective bargaining. They also highlight the additional benefits that are separately funded by CSEA and available only to its members.

In his words, "CSEA was prepared for the Janus outcome through its member engagement program. Janus was the best organizing tool that we could ever have hoped for. Not only has it mobilized our membership, but it has resulted in increasing our membership by non-members who want the benefits and protections that union membership provides to them."

NY Politicians' Support of Public Sector Unions

In April 2017, in anticipation of the Janus decision, Governor Cuomo signed a bold piece of legislation.[31] It amended New York Civil Service Law, section 208, also known as the Taylor Law. Prior to the amendment, The Taylor law required public sector unions to represent all employees (both members and non-members) it represents for collective bargaining, contract administration purposes, and disciplinary grievance processing. BUT, notably, in anticipation of the *Janus* outcome, it now added a provision that labor unions were no longer required to represent non-members for their own individual grievance disciplinary investigations and grievance-arbitration procedures. Rather, the non-members were given the right to secure their own advocate to represent them; and the Union was not obligated to pay the cost for their outside representation. The hope is that this will cure the "free rider" concern wherein employees forego paying dues yet still expect the union to represent them in grievance disciplinary proceedings.

The statute also requires the public employer to provide notice of new hires to the Union and their contact information within 30 days of hire. It also grants union representatives access to hold a union orientation meeting with these employees within the same 30 -day period. Further, electronic union membership cards authorizing payroll deductions for dues will now be accepted by public employers within New York State.

It is possible that this legislation will be contested in court since it was signed into law before Janus issued. But if it does, the statute also contains a savings clause. Under the saving clause, if any portion of the statute is declared unconstitutional or otherwise found illegal by the court, the remainder of the law will continue to apply. However, notwithstanding such an appeal, the amendment by New York State should be upheld as lawful since it complies with the holding in Janus. Specifically, the amendment does not compel employees to join the union and it does not require non-members to pay agency fees.

Further, support for its legality can be found in the Janus decision itself. For, in addressing the issue of the financial costs of representing free riders, Justice Alito's opinion sought to minimize this effect by stating:

In any event, whatever unwanted burden is imposed by the representation of nonmembers in disciplinary matters can be eliminated through means significantly less restrictive of associational freedoms than the imposition of agency fees. Individual nonmembers could be required to pay for that service or could be denied union representation altogether.

Thus, the dire predictions of a massive loss of union membership post Janus have not materialized, at least in New York State. In fact, as Nora Higgins states, "Janus resulted in unintended consequences which have strengthened rather than weakened union support."

Since Janus, popular support for unions has not withered. This was dramatically demonstrated in Missouri where voters by a referendum held on August 7, 2018 voted overwhelmingly to reject the right to work law that had been passed by their State legislature. After the vote, AFL-CIO President, Richard L Trumka was quoted as saying "It shows just how out of touch the Republican legislature is with their constituents. The workers in that state don't want anything to do with right to work."

Perhaps, the pendulum has begun to swing in favor of unions. The Janus decision has created a backlash. Arguably, it has helped public sector unions to become more robust. Efforts to defang public sector unions have so far only sharpened their claws. Anti-union advocates might have been expecting a meow, but what they got was a roar!

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NOTES:

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2 Abood v. Detroit Bd. of Educ., 431 U.S. 209 (1977)

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10 Marvit, Moshe, "For 60 years, This Powerful Conservative Group Has Worked to Crush Labor" *The Nation* (7/05/2018).

11 29 US Code, Section 164(b).

12 *Supra* fn. 9.

13 *Supra* fn. 5.

14 Alana Semuels, "Is This the End of Public-Sector Unions in America?" *The Atlantic* (6/27/2018).

15 573 U.S __, 134 S. Ct. 2618 (2014);

16 578 U.S. ____, 136 S.Ct. 1083 (2016) (per curiam).

17 Supra fn. 1.

18 Janus at 2487

19 Janus at 2497. Stare decisis is the principle of basing court decisions on precedent.

20 Janus at 2500.

21 Supra fn. 1

22 Supra fn. 5.

23 Many articles were published on internet human resources sites, including for example "Decline in Union Membership Expected after High Court Ruling," https://www.shrm.org/resourcesand tools/legal-and-compliance/employment-law/pages/future-of-unions-after-scotus-janus-ruling.aspx

24 Joseph Gross and Adam Primm, All Unions Likely To Feel The Impact of Janus v. AFSCME (July 11, 2018) https://www.law360.com/articles/1062218/print?section=appellate

25 These efforts resulted during Barack Obamas' presidency in Republican controlled State Legislatures including Indiana, Kentucky, Michigan, Wisconsin and West Virginia passing right to work laws outlawing compelled union agency shop agreements. But the voters in Missouri struck back! On August 7, 2018 the Missouri voters by a public referendum defeated the right to work measure that had been passed in 2017. Jeff Stein, "Missouri voters defeat GOP-backed "right to work law, in victory for unions, Associated Press projects," Washington Post (8/07/18).

26 The Daily podcast "Justice Kennedy's Last Decision" by Michael Barbaro (6/29/2018): www.NYTimes.com.

27 Supra fn.14.

28 Id.

29 Interview with Nora Higgins by author on September 6, 2018.

30 Interview with Nicholas J. LaMorte by author on September 7, 2018.

31 N.Y. Civil Service Law, Section 208 (Civ. Serv. Law), amended April 12, 2018.

32 Janus at 2468.

33 Supra at fn. 9

Refugees as Employees: Good Retention, Strong Recruitment

by David Dyssegaard Kallick and Cyierra Roldan

In the first two years of the Trump Administration, the number of refugees admitted to the United States has decreased to roughly a quarter of what it was in the last year of the Obama Administration. From a relative high of 97,000 in 2016 the number dropped to 33,000 in 2017, and it is on track after the first 10 months of the year to reach just 23,000 in 2018.[1]

There is sometimes an economic rationale given for this turn away from America's historic humanitarian commitment to refugee resettlement, but in fact the data show that refugee resettlement is going quite well, both for refugees and for local communities. Recent research demonstrates how, over time, refugees become well integrated into society and how they fare in the economy: learning English, increasing their wages, owning homes, and starting businesses.[2] And, refugees and other immigrants are part of a positive story of neighborhood economic revitalization, especially in cities that have seen population decline.[3]

Less attention has been focused on the employer side of the resettlement story: *What is the experience of businesses that hire refugees?* In a new study, co-published by the Fiscal Policy Institute and the Tent Partnership for Refugees, we find that here, too, the economic experience is overwhelmingly positive. Employers that hire refugees see positive outcomes for their businesses, according to findings from interviews with employers. These interviews from four regions of the country find that when employers hire refugees they see lower turnover rates among refugees and widen their pool of potential employees. In addition, many see overall improvements in the company, with their managers becoming more versatile as they adjust to working with a more diverse workforce.

If the Trump Administration is cutting back on refugee resettlement, it would seem to have little to do with economic issues around resettlement and is more of a piece of the administration's overall agenda of restricting immigration. The Trump Administration has undertaken a series of dramatic actions, many of them the continuing subject of legal battles, such as: attempting to pull the rug out from under Dreamers by rescinding Deferred Action for Childhood Arrivals; ending Temporary Protective Status for individuals deeply embedded into American society from countries including Haiti, El Salvador and Honduras; imposing a travel ban on eight mostly majority-Muslim countries, used the separation of young children from their parents as a tactic in discouraging immigration, and radically rewritten the rules for applying to get a green card through reinterpretation of the meaning of "public charge."[4]

Figure 1	Number of Refugees Placed	Share of State Total
Upstate New York	36,584	92%
Erie	12,744	
Onondaga	9,536	
Monroe	6,332	
Oneida	4,163	
Albany	3,048	
Rensselaer	249	
Broome	173	
Tompkins	77	
Westchester	44	
Schenectady	38	
All Other Upstate	180	
Long Island	232	1%
Nassau	141	
Suffolk	91	
New York City	3,070	8%
Manhattan (New York County)	1,811	
Queens	496	
Brooklyn (Kings County)	459	
Bronx	270	
New York State	39,930	100%

Fiscal Policy Institute analysis of data from WRAPS, 2008 to 2017.

Study Design

To investigate how employers experience refugee resettlement, the Fiscal Policy Institute conducted in-depth interviews with employers of refugees in four geographic areas of the United States. All are major sites of refugee resettlement, yet they represent a wide range of economic situations, immigration experiences, and political contexts: Atlanta, Georgia and the surrounding counties; Phoenix, Arizona; upstate New York; and Eastern and Central Nebraska. To frame this research, we also conducted interviews with refugees,

Figure 2

Metro Area	Refugee Placements (10-Year Total)	Per Capita Refugee Placements	Refugees Placements Per Immigrant Population	Metro Area Population	Metro Area Immigrant Population	Immigrant Share of Population
San Diego, CA	27,075	0.8%	3%	3,317,749	797,991	24%
Dallas-Fort Worth, TX	26,950	0.4%	2%	7,232,599	1,319,883	18%
Atlanta, GA	26,322	0.5%	3%	5,790,210	793,489	14%
Phoenix, AZ	22,811	0.5%	3%	4,661,537	675,911	14%
Los Angeles, CA	22,217	0.2%	0%	13,310,447	4,475,769	34%
Houston, TX	19,958	0.3%	1%	6,772,470	1,588,661	23%
Chicago, IL	18,538	0.2%	1%	9,512,968	1,675,434	18%
Detroit, MI	18,163	0.4%	4%	4,297,617	417,502	10%
Seattle, WA	16,882	0.4%	2%	3,798,902	690,230	18%
Minneapolis-St. Paul, MN	16,255	0.5%	4%	3,551,036	376,062	11%
Denver, CO	13,583	0.5%	4%	2,853,077	346,679	12%
Miami, FL	13,420	0.2%	1%	6,066,387	2,458,591	41%
Buffalo, NY	12,509	1.1%	18%	1,132,804	69,846	6%
Indianapolis, IN	11,549	0.6%	8%	2,001,737	142,774	7%
Portland, OR	10,281	0.4%	3%	2,425,325	303,865	13%
Salt Lake City, UT	10,250	0.9%	7%	1,186,187	142,752	12%
Louisville, KY	10,129	0.8%	16%	1,283,297	64,952	5%
Columbus, OH	9,957	0.5%	6%	2,041,520	155,793	8%
Nashville, TN	9,871	0.5%	7%	1,865,535	143,341	8%
Syracuse, NY	9,532	1.5%	23%	656,510	41,259	6%
Kansas City, KS	9,387	0.4%	7%	2,104,115	144,010	7%
Tucson, AZ	8,397	0.8%	6%	1,016,206	135,944	13%
Washington, DC	8,384	0.1%	1%	6,133,552	1,407,787	23%
Sacramento, CA	8,061	0.4%	2%	2,296,418	418,764	18%
Jacksonville, FL	7,452	0.5%	6%	1,478,212	125,349	8%
Milwaukee, WI	7,338	0.5%	7%	1,572,482	109,340	7%
Greensboro, NC	7,125	0.9%	11%	756,139	66,238	9%
Philadelphia, PA	6,966	0.1%	1%	6,070,500	676,140	11%
Boise City, ID	6,918	1.0%	16%	690,214	42,114	6%
Omaha, NE	6,596	0.7%	10%	924,495	67,937	7%

Figure 4. Source: FPI analysis of WRAPS data 2007 to 2016 and 2016 American Community Survey 1-year data. The number of refugees resettled over the past 10 years is less than two percent of the local population in all metro areas of the United States. Top 30 metro areas are presented here; see fiscalpolicy.org/refugee for the full list of 136 metro areas with refugee placements in that period. Place names in bold indicate metro areas included in field research.

Figure 3

Country	State	City	Refugee Placements (10-Year Total)
United States of America	California	San Diego	27,075
United States of America	Texas	Dallas-Fort Worth	26,950
United States of America	Georgia	Atlanta	26,322
United States of America	Arizona	Phoenix	22,811
United States of America	California	Los Angeles	22,217
United States of America	Texas	Houston	19,958
United States of America	Illinois	Chicago	18,538
United States of America	Michigan	Detroit	18,163
United States of America	Washington	Seattle	16,882
United States of America	Minnesota	Minneapolis-St. Paul	16,255
United States of America	Colorado	Denver	13,583
United States of America	Florida	Miami	13,420
United States of America	New York	Buffalo	12,509
United States of America	Indiana	Indianapolis	11,549
United States of America	Oregon	Portland	10,281
United States of America	Utah	Salt Lake City	10,250
United States of America	Kentucky	Louisville	10,129
United States of America	Ohio	Columbus	9,957
United States of America	Tennessee	Nashville	9,871
United States of America	New York	Syracuse	9,532
United States of America	Kansas	Kansas City	9,387
United States of America	Arizona	Tucson	8,397
United States of America	DC	Washington	8,384
United States of America	California	Sacramento	8,061
United States of America	Florida	Jacksonville	7,452
United States of America	Wisconsin	Milwaukee	7,338
United States of America	North Carolina	Greensboro	7,125
United States of America	Pennsylvania	Philadelphia	6,966
United States of America	Idaho	Boise City	6,918
United States of America	Nebraska	Omaha	6,596
United States of America	Texas	San Antonio	6,550
United States of America	New York	Rochester	6,336
United States of America	Ohio	Cleveland	6,333
United States of America	Florida	Tampa	6,256
United States of America	Missouri	St. Louis	6,237
United States of America	North Carolina	Charlotte	6,071
United States of America	Pennsylvania	Erie	5,980
United States of America	Texas	Austin	5,938
United States of America	Maryland	Baltimore	5,764
United States of America	Michigan	Grand Rapids	5,725
United States of America	Massachusetts	Boston	5,722
United States of America	Michigan	Lansing	5,526
United States of America	Iowa	Des Moines	5,484
United States of America	New York	New York City	5,481
United States of America	Nevada	Las Vegas	5,275
United States of America	Massachusetts	Springfield	5,152
United States of America	Texas	Amarillo	4,684
United States of America	New York	Utica	4,494
United States of America	Ohio	Akron	4,483
United States of America	Washington	Spokane	4,293
United States of America	Pennsylvania	Pittsburgh	4,177
United States of America	North Carolina	Raleigh	4,143
United States of America	Massachusetts	Worcester	4,104
United States of America	South Dakota	Sioux Falls	4,007
United States of America	Pennsylvania	Lancaster	3,779
United States of America	Kentucky	Bowling Green	3,653
United States of America	North Dakota	Fargo	3,479
United States of America	New York	Albany	3,190
United States of America	California	San Jose	3,184
United States of America	North Carolina	Durham	3,045
United States of America	California	San Francisco	3,045
United States of America	Vermont	Burlington	2,992
United States of America	Indiana	Fort Wayne	2,979
United States of America	California	Modesto	2,815
United States of America	Illinois	Rockford	2,739
United States of America	Virginia	Richmond	2,731
United States of America	Nebraska	Lincoln	2,490
United States of America	Connecticut	Hartford	2,480
United States of America	Maine	Portland	2,284
United States of America	Texas	Abilene	2,239
United States of America	Florida	Orlando	2,235
United States of America	New Hampshire	Manchester	2,155
United States of America	New Mexico	Albuquerque	2,071
United States of America	Virginia	Virginia Beach	1,993
United States of America	Virginia	Charlottesville	1,959
United States of America	Connecticut	New Haven	1,868
United States of America	North Carolina	New Bern	1,857
United States of America	Rhode Island	Providence	1,799
United States of America	Pennsylvania	Harrisburg	1,796
United States of America	Tennessee	Memphis	1,770
United States of America	Iowa	Davenport	1,761
United States of America	Ohio	Cincinnati	1,743
United States of America	Washington	Kennewick	1,741
United States of America	Virginia	Roanoke	1,710
United States of America	Ohio	Dayton	1,657
United States of America	Virgina	Harrisonburg	1,616
United States of America	Michigan	Battle Creek	1,577
United States of America	Tennessee	Knoxville	1,563
United States of America	Oklahoma	Tulsa	1,543
United States of America	Kansas	Wichita	1,431
United States of America	Oklahoma	Oklahoma City	1,422
United States of America	Minnesota	St. Cloud	1,401
United States of America	Pennsylvania	Scranton	1,387
United States of America	Missouri	Columbia	1,299
United States of America	Alabama	Mobile	1,295
United States of America	South Carolina	Columbia	1,274
United States of America	Louisiana	Baton Rouge	1,122
United States of America	Colorado	Greeley	1,082
United States of America	Colorado	Colorado Springs	1,065
United States of America	Alaska	Anchorage	956
United States of America	North Dakota	Grand Forks	941
United States of America	Pennsylvania	Allentown	887
United States of America	Kentucky	Owensboro	874
United States of America	Minnesota	Rochester	825
United States of America	Tennessee	Chattanooga	757
United States of America	Wisconsin	Oshkosh	633
United States of America	New Jersey	Trenton	609
United States of America	Michigan	Ann Arbor	592
United States of America	Florida	Tallahassee	573
United States of America	Wisconsin	Madison	549
United States of America	North Carolina	Wilmington	547
United States of America	Florida	Naples	493
United States of America	Connecticut	Bridgeport	402
United States of America	Iowa	Cedar Rapids	369
United States of America	Louisiana	Lafayette	356
United States of America	Louisiana	Alexandria	345
United States of America	Georgia	Savannah	344
United States of America	North Carolina	Winston	341
United States of America	Maine	Lewiston	337
United States of America	North Carolina	Asheville	298
United States of America	Florida	Cape Coral	291
United States of America	Texas	Midland	289
United States of America	California	Fresno	229
United States of America	California	Bakersfield	218
United States of America	Wisconsin	Sheboygan	213
United States of America	Ohio	Toledo	199
United States of America	New Jersey	Atlantic City	174
United States of America	North Dakota	Bismarck	161
United States of America	California	Riverside	153
United States of America	Texas	El Paso	152
United States of America	New York	Binghamton	147
United States of America	Florida	North Port	144
United States of America	Iowa	Waterloo	128
United States of America	Indiana	South Bend	108
United States of America	Wisconsin	Green Bay	107
United States of America	Nebraska	Grand Island	103
United States of America	Hawaii	Honolulu	0

refugee resettlement agency staff, other service providers, researchers, and other members of the community to give context to our findings, conducting over 100 interviews in total. The research was further contextualized and guided by FPI's analysis of data from the American Community Survey (ACS) and the Worldwide Refugee Processing System (WRAPS).

For the most part, employers we interviewed stressed the similarities, not the differences, between refugee employees and their other employees: Most importantly, they come to work and get the job done. Refugee employees, for their part, emphasized the importance of wages and working conditions, just as might be expected for other employees.

However, there were also important differences between refugee employees and employees overall. In particular, this study identified two clear differences that reflect ways employers benefit when they broaden their hiring pool to include refugees.

Survey: Lower Turnover Rates in 19 of 26 Firms

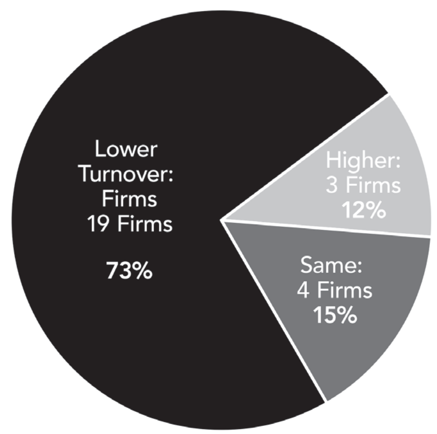


Figure 1. Source: FPI survey of refugee employers interviewed in person.

Survey Results	Number	Share
Lower Turnover	19	73%
Higher Turnover	3	12%
About the Same	4	15%

New York Perspective

In New York, the upstate region has a long and strong tradition of refugee resettlement that has helped reverse population decline, revitalize communities and spur economic growth in cities that have seen some of the challenges common to rustbelt cities. Among the cities that have seen this positive dynamic are Utica, Buffalo, Syracuse, Albany, and Binghamton. While New York City and Long Island have far more immigrants in general, nearly all of the refugee placement is in upstate New York, where housing is less expensive and there are institutions well prepared to help them get started. Indeed, over 92 percent of all refugees placed in New York over the past 10 years were placed in upstate New York *(See figure 1)*.

Over the last decade, 12,500 refugees have been resettled in the Buffalo metro area, 9,500 in Syracuse, 6,300 in Rochester, 4,500 in Utica and 3,200 in Albany. Buffalo and Syracuse rank 13th and 20th in the country for the total number of refugees resettled over the last decade. Among the top 30 metro areas they have the highest share of refugee placements as a share of the total population. A different way of gauging the role of refugees is to look at where immigrants are a particularly big part of the immigrant population—that is to say, where there is substantial refugee placement but comparatively little overall immigration. On this measure, Buffalo and Syracuse metro areas stand out by a wide margin, and other upstate metro areas, particularly Utica, would stand out even more if they were on the chart of the top 30 metro areas *(See figure 2)*.

Upstate New York metro areas have seen very slow growth for decades, in addition to steep declines in the central city populations. These trends are just beginning to turn around – or at least stabilize – in part because of the role of immigrants and refugees in rebuilding the population.[5] Refugees in upstate New York have bought vacant homes, started businesses, helped the economy grow through paying taxes, and revitalizing declining neighborhoods. During a time of deindustrialization and population decline, refugees have helped fill jobs in industries desperate for workers.

Like other refugee employers, those in upstate New York reported observable benefits in both retention and recruitment associated with hiring refugees. They expressed that in some cases, the reason refugees stayed on the job longer had to do with being surrounded by others who spoke their language and shared their background. In others, it was because employers found ways of integrating refugees into their workforce, making overall adjustments in policies that some saw as overall improvements to the environment for everyone. In many cases, there was a period of mutual adjustment as the refugees adapted to workplace expectations and the workplace adapted to this new employee population.

National Findings

Upstate New York was one of four very distinct geographic regions of the United States where employers were interviewed for this report. In all four areas, employers expressed two common benefits from refugee employment: 1) lower turnover rates for refugee employees than other hires and 2) positive refugee employee relationships creates recruitment benefits.

1) REFUGEES TEND TO STAY WITH THE SAME EMPLOYER FOR LONGER THAN OTHER HIRES.

Nineteen of the 26 employers surveyed—73 percent—reported a higher retention rate for refugees than for other employees. This was consistent across industry sector and across geography *(see figure 4)*.

Among employers who gave the Fiscal Policy Institute confidential access to internal data, refugees had a turnover rate that was seven to 15 percentage points lower than for the overall workforce (see Figure 5). Among the four manufacturing firms for which we have data, the average turnover rate was four percent for refugees, compared to 11 percent for employees overall—a difference of seven percentage points.

In the hotel industry, which has much higher overall turnover, the rate in the job categories typically filled by refugees was 29 percent for refugees and 36 percent overall—also a difference of seven

Lower Turnover Refugee and Overall Retention Rates Where Detailed Firm-Level Data Were Obtained **Manufacturing Sector**

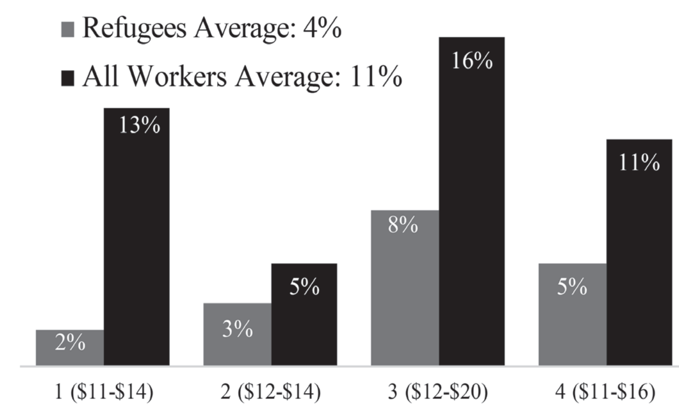


Figure 5. Source: Employer data made confidentially available to FPI. Typical wage range indicated in parentheses next to firm number, on X axis.

Firm (Wage Range)	Refugees	All workers
1 ($11-$14)	2%	13%
2 ($12-$14)	3%	5%
3 ($12-$20)	8%	16%
4 ($11-$16)	5%	11%

percentage points. In meatpacking, a tough occupation where retention is at least as challenging as in hotels, the differential in the firm for which we have internal data was 15 percentage points—annual turnover was 25 percent for refugees and 40 percent overall *(See figure 6)*.

The firms for which we have statistical data all pay a starting salary to all workers that is at least a little above the minimum wage (at the time of interviews $7.25 in Georgia, $9.00 in Nebraska, $10.00 in Arizona, and $10.40 in upstate New York.) Among the firms interviewed that paid lower wages, the trend was more mixed, though in general the turnover rate was still reported to be lower for refugees.

What seemed important to achieving lower refugee turnover was that the employer made at least some effort to integrate refugees into the workplace. These were not generally big investments, but they did include an attempt to address the challenges of making a place for workers from a different kind of background than their previously typical employees. Figuring out how to get new hires started when they speak very little English was the most common challenge. Making the workplace culture and practices flexible enough to accommodate people from different ethnic and religious backgrounds was another, as was resolving transportation issues. In a significant number of cases, bereavement policies also came up. The firms where refugee turnover was about the same as or even higher than for all workers were generally the ones with turnover rates that were higher for all workers than the industry average, where service providers talked about firms using refugees as "cannon fodder" in a cycle of high burnout and replacement of workers.

Lower turnover is valuable for any business. A 2012 study by Heather Boushey and Sarah Jane Glynn found that replacing a worker typically costs businesses about one fifth of the worker's annual salary. For a full-time worker earning $13 an hour, which is typical in our surveys, that translates into $5,200 per year saved for every worker who does not have to be replaced. That's a cost savings to the employer that leaves room for investment in translation services, help with transportation, or other ways of easing refugee employees' integration into the workplace.[6]

Lower refugee turnover seemed to reflect a positive experience for the refugees as well. There is a larger question about options for good jobs in today's labor market, but within that context, low refugee turnover almost always seemed to be a sign of a comparatively positive work experience for refugees, not simply a measure of an inability to change jobs.

Lower Turnover Refugee and Overall Retention Rates Where Detailed Firm-Level Data Were Obtained **Manufacturing Average, a Hotel, and a Meat Packing Firm**

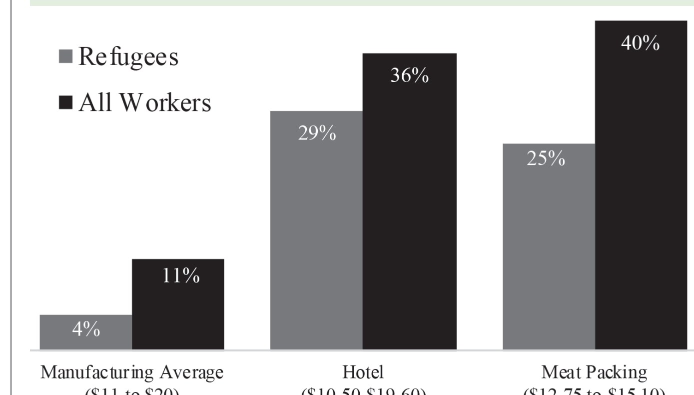


Figure 2. Source: Employer data made confidentially available to FPI. Manufacturing average drawn from data in Figure 6. Wage range for typical jobs held by refugees is indicated below sector.

	Refugees	All Workers
Manufacturing Average ($11-$20)	4%	11%
Hotel ($10.50-$19.60)	29%	36%
Meat Packing ($12.75-$15.10)	25%	40%

Several factors appear to be driving the comparatively high retention rate among refugee employees: All workers value employers who make them feel welcome and respected, but refugees are especially responsive to a welcoming environment. Once they find it, they tend to stay with that employer, possibly because they may be unsure of finding a similarly welcoming climate elsewhere. Refugees also tend to gravitate towards jobs that allow them to get by with limited English proficiency initially and learn the language on the job, and they also tend to stay longer with employers that provide this flexibility. Finally, refugees often prefer to work alongside other refugees – especially those who share their background – so employing multiple refugees also positively influences retention rates. Refugees who want to stay together as a group are less likely to move to a new environment where a community of their background has not yet been established, and in a few instances we saw this potentially holding refugees back from advancing, but in the large majority of cases it was a way for refugees to maintain ties to the culture they grew up in while also helping navigate and integrate into the new culture they encounter in the United States.

What is true for retention is also true for recruitment: when refugees find a workplace they feel welcome in, they tend to tell others in their community. And therefore, employers who have created a climate in which refugees feel welcome should not be surprised to see more job applications from other refugees—and maybe also from other non-refugees who feel welcomed as well.

Although the employers interviewed for this report do not necessarily comprise a fully representative sample of all employers, their interviews do reflect a wide range of employer experiences.

2) ONCE EMPLOYERS CREATE A POSITIVE RELATIONSHIP WITH THE FIRST FEW REFUGEES, IT OPENS THE DOOR FOR THE RECRUITMENT OF MANY OTHERS.

The first time an employer hires one or several refugees, there is almost always a period of mutual accommodation. Some issues are likely to come up that have never arisen before and may take employers by surprise, although they are often easily manageable. Taking shoes off in the break room, or assuming that a cousin can substitute for an employee who is out sick, for example, are issues that have come up for the first time when refugees joined the labor force. Language barriers are a consistent challenge for new employers of refugees, and are in some ways a bigger challenge with refugees than with other immigrant groups. Where training videos may be available in Spanish, for example, the same is not likely for speakers of Karenni, one of several Burmese languages.

Companies that make the effort to work these issues through, however, are often doubly repaid in both retention of the employees themselves and also in recruitment of other refugees. This recruitment advantage works at least three ways.

One recruitment advantage comes from the tendency of members of the same ethnic group to seek employment at the same company. If an employer works through the issues for new Bhutanese refugee hires, for instance, is very likely to find others from the Bhutanese community applying for any job openings. These applicants will have recommendations from Bhutanese employees, and the company will already have made arrangements that address some common issues that arise in employing Bhutanese refugees. And, at least in the first years following their arrival in the United States, Bhutanese are likely to give a high preference for working in a place where there are others from their country who they can talk with during breaks and learn from on the job.

A second advantage comes from easier recruitment as firms develop relationships with refugee communities and build a practice of integration into their workforce. If an employer works through the initial logistics of hiring refugees from one country of origin, hiring from a second group is often far easier. To begin with, refugee resettlement agencies and other service providers are quick to recognize when employment is working out well for their clients. The agencies then become something like recruiters themselves, not only providing screening and even pre-trained referrals, but also providing some level of ongoing services such as assistance with translation, aid working through cultural misunderstandings, or help identifying agencies that can help workers with health or family issues.

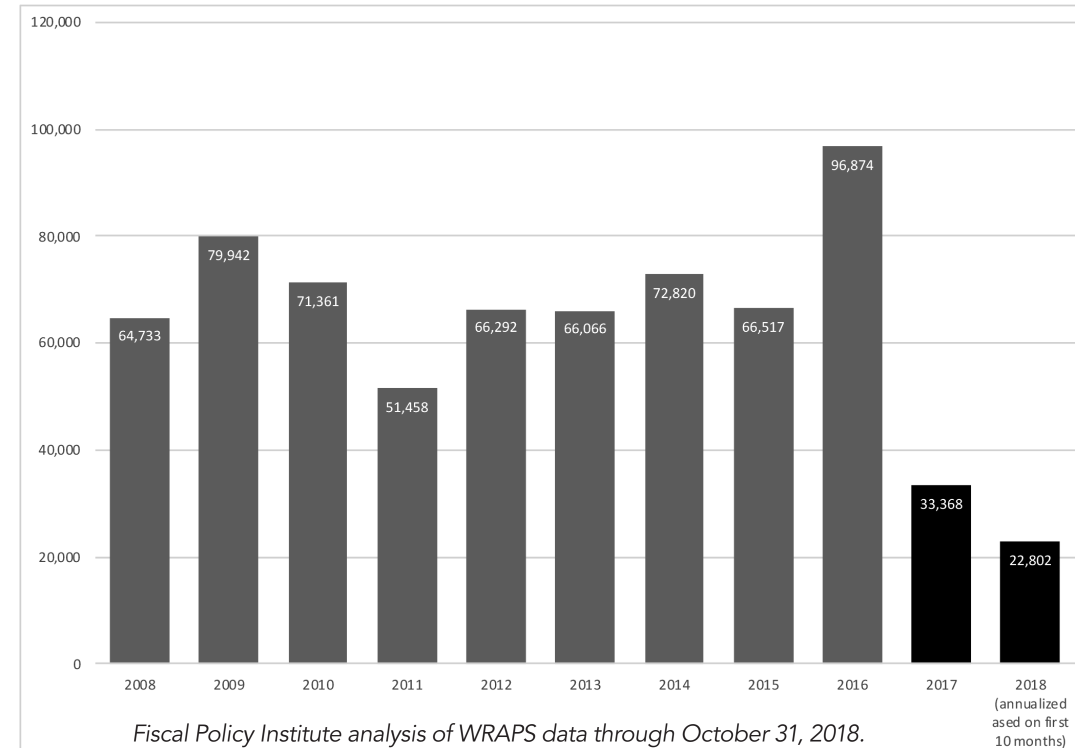
A final advantage is in the number of refugees who have no trouble getting through the multiple kinds of screening that are often required by employers. They rarely fail a drug test. And, having already been extensively vetted by the U.S. government in order to receive their refugee status, they can easily pass a background test.[7] Necessary or not, these are screens that frequently keep other applicants from getting a job. Refugees are given Social Security numbers, and there is no question about their work authorization.

Once employers make a commitment to hiring one refugee group, they generally become more adept at integrating new groups of refugees as well as new groups of other employees from different kinds of backgrounds. Several employers we interviewed downplayed the challenges of integrating refugees into their workforce, and when we noted things that they had seemingly done to ease integration, they responded by saying, as one employer put it, "that may just seem easy to us because we have been working with refugees for so long." In at least one case, learning how to integrate refugees into the workforce helped a company move toward recruiting and integrating a very different population that has proven challenging: formerly incarcerated workers.

Employers frequently felt they had learned and grown from the experience of integrating refugees in ways that made them not just better employers of refugees, but better employers in general. Hiring with the expectation of teaching workers on the job opened the doors to non-refugee and refugee employees alike, and often also worked better for employers. Making production goals and

Figure 6: Trend in Number of Refugees Resettled in the United States

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018 (annualized based on first 10 months)
64,733	79,942	71,361	51,458	66,292	66,066	72,820	66,517	96,874	33,368	22,802



Fiscal Policy Institute analysis of WRAPS data through October 31, 2018.

evaluation clear to people who don't speak English well also benefitted native English speakers who found the new communications clearer. An openness to hiring employees who may need training on the job, instead of exclusively looking for people who walk in the door with all the skills needed for a job, has widened the applicant pool for some companies. In some cases, hiring refugees helped companies connect with local markets, when they were located in neighborhoods with high concentrations of refugees.

Refugee resettlement should hardly be seen as a concern for local workers seeking jobs, in fact in many instances they play an important role in helping local economies grow. Studies have consistently shown that immigrants in general help expand a local economy, and do not displace workers from job opportunities.[8]

There are some neighborhoods, and a few cities, with significant concentrations of refugees, helping cities like Minneapolis or Utica, for example, turn around population decline and tip toward growth. Yet there is nowhere in the country where refugees make up more than a tiny fraction of the population of a metropolitan area. A metropolitan area, which includes a city and its suburbs, is the local labor market, and refugees typically make up less than one percent of the metro area population; in no instance do refugees make up over three percent of the metro area population.

In any discussion of refugees, it is important to note the distinctions between different refugee groups. What is true for Congolese refugees may be different for Iraqi, Somali, or Burmese refugees. Some refugees have spent years in refugee camps, while others were displaced relatively recently. Some refugees have a more formal educational background than others, and some have more readily transferable skills. Throughout this report we have referred to those characteristics that apply to refugee groups in general, aware that there is no such thing as a typical refugee.

Employers who hire refugees do it because it works for their businesses. The main reason they hire refugees is straightforward: they are looking for workers, and refugees are workers—usually one among many sources of job applicants. For the employers who make it work, however, hiring refugees also turns out to lower turnover rates and at least one added source of future recruitment. The gains from lower turnover and improved recruitment easily offset their costs in integrating refugees into the labor force.

That said, many employers also brought up the emotional benefits, and even patriotic feelings, that they experienced when they hired refugees. Being able to hire refugees and see them succeed on the job, buy their first car, send their kids to college, purchase a home, or gain American citizenship is hugely rewarding. "I have a photo of [a longtime employee, getting his citizenship papers] and his wife and little kid holding an American flag. If that doesn't make you proud to be American...," one employer said, trailing off with the thought. Another observed: "If you can be a part of changing one person's life, that's rewarding. Refugees are kind of cast out there by themselves. But everybody needs a Sherpa – everybody needs a guide and some help along the way." And, yet another, summing it all up, said short and simple: "It's the American

Dream. It's very cool to see."

Refugees in the United States

Refugees do not choose to leave their homeland or come to the United States — they come here only after being interviewed and categorized as refugees by the United Nations and then go through an extensive process of vetting by different agencies of the American government.

When refugees arrive in the United States, they generally come in small groups of a few to a dozen. They are typically picked up at the airport by someone from a local refugee resettlement agency and brought to a house or apartment where they will start their new life. There are nine refugee resettlement networks—Church World Service, Ethiopian Community Development Council, Episcopal Migration Ministries, Hebrew Immigrant Aid Society, International Rescue Committee, US Committee for Refugees and Immigrants, Lutheran Immigration and Refugee Services, United States Conference of Catholic Bishops, and World Relief Corporation. These resettlement agencies act as partners in the process, and with a combination of federal funding and charitable contributions, they help refugees get on their feet, especially during the first 90 days in the country, and to a limited extent for a longer period after that. Refugees have legal permission to work in the United States and are expected to have a job within 90 days of their arrival here.

Between 2008 and 2017, the United States has admitted a total of 670,000 refugees. The majority do not have family or sponsors in the United States, and do not choose where they go but are placed by the federal government in consultation with local authorities and the local resettlement agencies. In 2017 and 2018, as seen in the figure here, the numbers are down dramatically from a peak in 2016.

Of the 43 million immigrants in the United States, about eight percent are either refugees, which is to say people who come through the refugee resettlement program, or asylees—people who apply for asylum after entering the United States. This report focuses on refugees, though many of the findings likely also apply to asylees.

Until recently, refugee resettlement was something the United States took on quietly and with a justified sense of pride. Even as immigration policy became a controversial issue, refugee resettlement was generally kept out of the fray. More recently, refugee resettlement has become a focus of uneasy attention.

David Dyssegaard Kallick is Deputy Director of the Fiscal Policy Institute and Director of its Immigration Research Initiative. Cyierra Roldan is an Immigration Policy Analyst at FPI.

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NOTES:

1 See sidebar at end of this article: "Refugees in the United States."

2 For a useful summary of the most recent findings, see Bernstein, Hamutal, "Bringing Evidence to the Refugee Integration Debate," Urban Institute, April 9, 2018.

3 See "Bringing Vitality to Main Street, How Immigrant Small Businesses Help Local Economies Grow," Fiscal Policy Institute and Americas Society/Council of the Americas, 2015.

4 For more information on the mentioned immigration topics, see the following reports by the Migration Policy Institute: "All Eyes Turn to Congress, Following Trump Decision to Terminate DACA Program," "Trump Executive Order on Refugees and Travel Ban: A Brief Review," "Family Separation and 'Zero-Tolerance' Policies Rolled Out to Stem Unwanted Migrants, But May Face Challenges," "Chilling Effects: The Expected Public Charge Rule and Its Impact on Legal Immigrant Families' Public Benefits Use," and "Repealing Birthright Citizenship: The Unintended Consequences." For information on the 2020 census and TPS see "What to Know About the Citizenship Question the Census Bureau is Planning to Ask in 2020" by the Pew Research Center and "Termination of TPS Hurts Families and The Economy" by FPI.

5 http://buffalonews.com/2018/02/03/editorial-buffalo-relies-on-immigration/

6 See Heather Boushey and Sarah Jane Glynn, "There Are Significant Business Costs to Replacing Employees," Center for American Progress, November 16, 2012.

7 For details on the vetting process, see www.state.gov/j/prm/ra/admissions/.

8 For a good overview of this literature, see Heidi Shierholz, "Immigration and Wages," Economic Policy Institute, February 4, 2010.

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The ***Regional Labor Review***, a refereed multidisciplinary journal now in its 21st year of publication, invites submissions of original articles on a range of subjects that we hope to explore in upcoming issues.

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- Racial, ethnic, and gender inequalities in earnings and occupational status
- Case studies of workplace privacy issues & sexual harassment
- Labor Law: Case studies of recent influential cases with broad implications
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Unions and Immigrants Confront Election-Year Challenges: Snapshots of Local Labor Activities in 2018

1. Workers protest at Spectrum's West 23rd St. HQ *(photo credit: Derek Jordan, IBEW Local 3]*

2. The Labor Day Parade in Manhattan drew thousands of marchers and onlookers on September 8th, including members of IBEW Local 3 *(photo credit: Regional Labor Review).*

October 2018 marked the 19th month of a bitter strike against cable giant Spectrum NY (a subsidiary of Charter Communications) by 1,800 tech employees. Since contract talks between their union, IBEW Local 3, and Spectrum management broke down in late March 2017, most workers have exhausted their state unemployment benefits and been forced to supplement their $350 in union strike funds with often lower-pay temporary work. Despite the union's controversial concessions offer in a federal mediation meeting with management, Spectrum refused to soften its demands to end the current defined-benefit pension fund and the union health care plan. In late July, the NY State Public Service Commission charged the company had failed to expand cable to underserved areas and ordered it to transfer its state cable business to another provider – raising union hopes of an end to the bargaining stalemate. As the midterm elections campaign season heated up this past summer, national polls found that immigration was the single most important issue in the country. Over the past year of fierce controversy, the DACA program has been derailed, refugee visas have shrunk, and immigrant arrests, family separations and deportations have soared. Hofstra's Labor Studies Program organized two campus events to look at different aspects of these immigration controversies. On September 26th, 2018, we presented a forum on the legal, economic and workplace implications of these issues: "The Immigration and Deportation Crisis."The features speakers were: Emily Emily Torstveit Ngara (Director, Deportation Defense Clinic at Hofstra's Maurice Deane Law School); Saul Guerrero (Labor Organizer, United Food & Commercial Workers); and David Dyssegaard Kallick (Immigration Research Director, Fiscal Policy Institute), author of a new national study of refugees in the US economy (see an updated excerpt of this report above in this issue of RLR). The event was part of Hispanic Heritage Month and was co-sponsored by the Latin American and Caribbean Studies Program. One month later on October 24th, as part of the University's "Day of Dialogue," Labor Studies presented "The Ethics of Immigration: Is U.S. Policy Immoral?" featuring: Ana Levy-Lyons (author of new book No Other Gods & Senior Minister, 1st Unitarian Church, Brooklyn); Amy Baehr (Philosophy Prof., Hofstra); Paula Chirinos (DACA recipient & Student Fellow, Center for Civic Engagement); Kimberley Chin (Deputy Director, Children's Defense Fund of NY); and Rosanna Perotti (Political Science Prof., Hofstra)

3. The Labor Day Parade route up Fifth Avenue past Trump Tower was an opportunity for its wide variety of unions to draw attention to their endorsement of pro-union candidates and policies in the mid-term election campaign. *(photo credit: Regional Labor Review).*

5. "The Immigration and Deportation Crisis" forum on Sept. 26th at Hofstra featured (left to right): Emily Torstveit Ngara, David Dyssegaard Kallick and Saul Guerrero. *(photo credit: Regional Labor Review).*

4. Building trades unions were among the more numerous participants in New York's 2018 Labor Day Parade. Here they showed off one of their large inflatable, highly photogenic rats (at right in photo) that they place in protest at nonunion construction sites. *(photo credit: Regional Labor Review]*

6. "The Ethics of Immigration" forum on Oct. 24th drew a large audience to hear (left to right): Rosanna Perotti, Amy Baehr, Paula Chirinos, Ana Levy Lyons and Kimberley Chin *(photo credit: Regional Labor Review).*

The Uberization of Work & Alternative Job Futures

Gigged: The End of the Job and the Future of Work, by Sarah Kessler (St. Martin's Press, 2018).

Reviewed by Massoud Fazeli

Many observers, economists included, agree that our post-WWII economy was early characterized by the dominance of powerful firms and stable markets. This era has been referred to as a Fordist regime that was based on mass production/mass consumption and pursued stability over risk taking. Dominant firms engaged in long-term pricing and contract agreements. Job stability was a defining feature of this market. Lifetime employment created a relatively high number of middle-income jobs and the overall income gap between the rich and the working class fell somewhat. We may of course immediately add that this was not exactly a golden age, particularly because the beneficiaries of this system were predominantly white male workers.

During the 1970s and '80s, a post-Fordist regime began to dismantle the old economic structure. A new economy emerged which has proudly promoted flexibility. Some have in fact referred to this new institutional arrangement as flexible accumulation. Another defining feature of this new era has been the "end of loyalty": some workers may be changing jobs and even careers voluntarily and many are being forcibly displaced by employers. Workers are free to go and companies are free to let them go. A rather sizable and growing segment of the labor force is now contingent. More importantly many of these workers are no longer officially considered employees. They are rather categorized as freelancers and contractors and are, consequently, not entitled to regular employee benefits.

In her new book entitled Gigged, Sarah Kessler begins by a rather intriguing observation: people generally believe that jobs are boring. So what would be more desirable than working on the projects we like, during the hours we choose in a "frictionless economy"? What would indeed be more desirable than a shift from people looking for jobs to jobs looking for people? Such a gig economy would be more than the end of unemployment. It would be the end of drudgery. Kessler examines the validity of this premise in her engaging book.

According to Kessler, most jobs recently added to the U.S. economy would fall into the "contingent" category. Many startup companies (which embody "the new economy") rely on venture capital funding and can potentially grow fast. Uber is a case in point. But interestingly, these skill-intensive companies are neither characterized by high investments in fixed physical capital nor are generally labor-intensive. Instagram, for instance, had only 13 employees (including its founders) when it was bought by Facebook in 2012.

And Uber calls its drivers "independent contractors". These contractors supposedly are not just free, but also entrepreneurs. Independent contractors, however, do not have a right to unionize and are not entitled to sick days and holiday pay. According to a report in the New York Times (9/25/2018), unionized workers on the average receive 40 percent of their compensation in the form of benefits, compared with only 29 percent for the non-unionized segments of the labor force. The Uber model works best for venture capitalists and to some extent for consumers but not for its drivers.

An increasing number of these workers are now considered self-employed. Moreover, with more firms concentrating on their "core competencies" and outsourcing many of their operations to other companies, another alternative to hiring employees is on the rise: "by 2009…around 45% of accountants, 50% of IT workers, and 70% of truck drivers were working for contractors rather than as employees at the companies for which they provided services".

Proponents of the gig economy report than by 2025, the millennials will make up to 75 percent of the American workforce. These millennials reportedly rank the work-life balance as more essential than job security. Staffing agencies therefore tend to portray temporary employment as a choice most suitable for those who are looking to earn "extra" income. This is far from an accurate description of the majority of job seekers. For instance, Mechanical Turk (founded in 2005) offers simple and low paid tasks. But its workers are not generally less-skilled foreign workers, as it is often assumed. Most of its workers are American and a sizable number have a college degree. Interestingly, "housewives" no longer mainly work for extra money. In fact, women are the primary breadwinners of 40% of U.S. households. More importantly, Kessler refers to a study by Alexandra Mas and Amanda Pallais (2016) according to which workers overwhelmingly placed little actual value on flexible options.

The tech industry is fond of offering an image of a brave new world where change is framed as socially desirable. Workers are now framed as participants in the sharing economy and are sometimes even referred to as "volunteers." But unfortunately, Uberization of work has not led to shorter hours and a more relaxed environment. The number of hours Americans worked rose throughout the 1990s and jobs have largely become more intense. Customers may now leave workers comments and star ratings that show on their profiles. These rating algorithmically dole out rewards and punishment, such as "deactivation", the gig economy term for getting fired (e.g., removed from the platform).

It is true that many skilled independent contractors earn more than employees who do similar work. But low-wage workers are hurt. And when companies assign tasks to a large pool of online crowd workers the hourly pay is typically below the minimum wage. Such workers are not paid for the downtime. This system of "at-will employment" also generates a high degree of pressure on people who await the call. Kessler mentions one worker who sleeps in her office so that she could hear the alarm go off without waking her husband.

Following the remarks made by David Weil (The Fissured Workplace, 2014), Kessler reminds us that when large firms employed a wide spectrum of workers with diverse skills and occupations under one roof, the gains were to some extent shared by all employees. Kessler further observes that "the gig economy's ballyhooed flexibility often seems to apply more to the company than to the employee". The new labor market requires new strategies. The SEIU (Service Employees International Union) has supported "portable benefits" that move with workers from job to job.

In recent years, partially due to the economic recovery of the post-recession era, participation in gig economy platforms has been falling. Some court rulings have determined that these workers are indeed employees as must be treated as such. Kessler, however, does not believe that it is possible to resurrect the old structure. She notes that "the last time our country had to reconstruct a safety net from scratch, technological progress had, much like today, just upended the way work was structured. As American workers flocked from independent rural farms and businesses to city-centered factories during the industrial revolution, work developed assigned hours, a central location, and a hierarchical structure. As with the evolution of work today, this change wasn't immediately wonderful …the solution was not to force workers out of factories and back to farms". It took another half century or so for the labor movement, in partnership with government and private groups, to generate safety mechanisms. The New Deal legislation that built them happened in the 1930s, long after the industrial take-off of the 19th century. A new economy also generates new possibilities. There may be hope after all!

Massoud Fazeli is an Adjunct Associate Professor of Economics at Hofstra University..

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Local & National Events: Fall 2018

NY METRO

Sept. 8 – Labor Day Parade. Starts at 11 am., Fifth Avenue and 44th Street, Manhattan. For info., see www.nycclc.org.

Sept. 12 – Labor & Employment Relations Association of Long Island Meeting. Starts 6 pm at Spuntino, Dix Hills, NY. For info. call: 516/746-9307, or visit: www.lilera.org.

Sept. 26 – "The Immigration & Deportation Crisis." Speakers include: Emily Ngarra (Director, Hofstra Deportation Defense Clinic); Saul Guerrero (union organizer, UFCW Local 338); and David Dyssegaard Kalick (Fiscal Policy Institute). At 2:55 p.m.-4 p.m. in Axinn Library, 10th floor), Hofstra U. This forum is presented by Hofstra's Labor Studies Program, co-sponsored by the Latin American & Caribbean Studies Program. For more information, visit: hofstra.edu/laborstudies or e-mail questions to laborstudies@hofstra.edu.

Oct. 24 – "The Ethics of Immigration: Is U.S. Policy Immoral?," at Hofstra's annual Day of Dialogue. Speakers include: Ana Levy-Lyons (author of new book, No Other Gods: Politics of the 10 Commandments); Amy Baehr (Professor, Philosophy Dept., Hofstra), Paula Chirinos (CCE Fellow & DACA recipient) and Rosanna Perotti (Professor, Hofstra Political Science Dept.). David Mack Student Center, Hofstra U. Free admission, no reservations. For time schedule, visit www.hofstra.edu/cce. This forum is presented by Hofstra's Labor Studies Program.

Dec. 12 – Labor & Employment Relations Association of Long Island Meeting. Starts 6 pm at Davenport Press, Mineola, NY. For info. call: 516/746-9307, or visit: www.lilera.org.

NATIONAL

Jan. 4-6 – Labor & Employment Relations Assoc. (LERA) at ASSA Annual Meeting, in Atlanta, Georgia. For info. visit www.leraweb.org.

RELEASE DATES FOR MONTHLY LABOR MARKET INDICATORS

2018 RELEASE DATE	NATIONAL			REGIONAL	
	U.S. Employment & Unemployment	Job Openings & Turnover	Real Earnings	NYC/LI Metro Jobs Count	NYC/LI Metro Unemployment
AUGUST	3	17	10	16	21
SEPTEMBER	7	11	13	20	25
OCTOBER	5	16	11	18	23
NOVEMBER	2	6	14	15	20
DECEMBER	7	10	12	20	27

Sources: National Statistics – U.S. Bureau of Labor Statistics (BLS): *The Employment Situation; Job Openings and Labor Turnover* (JOLT); *& Real Earning*: http://www.bls.gov
NY State and Local Statistics – NY State Dept. of Labor: Monthly Press Release. http://www.labor.state.ny.us.

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