

JUDICIAL SUMMIT ON MENTAL HEALTH

*How The “Boys in the Bunkhouse”
became “The Heroes of the Heartland”*

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*Promoting the Human Rights of
Individuals with IDD*


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Dallas District Nov. 21, 2024***





How we Can Use Legal Advocacy and Protections for Workers with IDD Some Lessons Learned



The story of “Henry’s Turkey Service and how it was possible for the “The Boys in the Bunkhouse” to become “The Heroes of the Heartland.” It is a heartbreaking saga that unfolded over 40 years, that ultimately became a story about Potential and Promise. Because of the Laws of our Land that are intended to promote opportunity and prevent discrimination and exploitation.

EEOC v. Hill Country Farms, Inc.,

dba Henry's Turkey Service

Case No. 3:11-cv-41-CRW-TJS (S.D. Iowa)



TALKING TURKEY

- **FACTS AND FACES**
- **THE LAW AND THE TEAMS**
- **RESCUE AND RENEWAL**



**This Story Starts in TEXAS
Late 1960's to IOWA 2009**

TURKEY PROCESSING PLANT WEST LIBERTY, IOWA





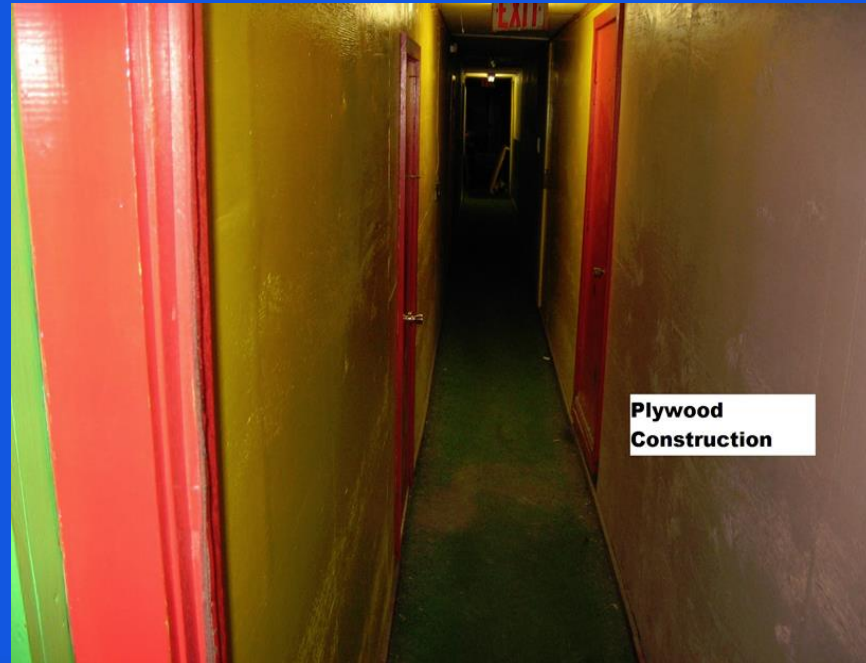


“The Bunkhouse” – 100 yr old abandoned school









Exit Deficiencies



Moving the Men

21 of the men were rescued in February 2009 by Iowa State authorities which included law enforcement, Iowa DHS, Adult and Child Protective Svcs. and a Disability Services Provider. The victims were immediately evacuated from “the Bunkhouse”, where they were living in inhumane conditions.

About a dozen other men had, however, already been transported by HCF-HTS to Texas where some were abandoned in a Nursing Home and others to a Group Home operated by family members of the company owners just a few months earlier as part of shutting down their money-making operation.

THE FACES

LAWYER 'CRIED LIKE A BABY'
AFTER WINNING CASE FOR THESE
MEN WHO LIVED IN BUNKHOUSE



PAGE 7A: NAMES
OF THE FORMER
HENRY'S WORKERS

IT TAKES A TEAM THAT KNOWS HOW TO PROVIDE SUPPORT SERVICES

A Social Worker for the Iowa Department of Human Svcs.

Acted on an anonymous tip and was the first one on the scene at the unsanitary, unsafe and condemnable shambles of a building that was called the Bunkhouse.

Within 24 hrs. –IDHS Regional Supervisor left her comfortable office setting to directly engage the scene. Immediately implemented the one-on-one approach by which an individual Soc.Wkr was specifically assigned to each victim. “Stand by Your Man” Plan.

State of Iowa secured services a contracted Disability Services Provider on the responsibility of caring for and transitioning all the men immediately following their rescue, to get them transported to safety, enrolled for benefits and providing them clean clothes, food and immediate shelter. Meanwhile, trying to build trust that would open up communications that were impeded by sudden changes fear and apprehension.

IT TAKES A TEAM THAT KNOWS THE LAWS AND HOW WE CAN USE THEM

While Iowa authorities were working, the Texas Attorney General and FBI moved in on the HCF-HTS home office in rural Texas, and seized computers and the business records of the Employer and its Accountant. U.S. Dept. of Labor also helped us analyze pay records.

Sister of one of the few victims with family, was referred to the EEOC for the filing of a charge alleging discriminatory practices regarding wages and treatment. Pursuit of Civil Rights in the workplace.

With the assistance of allies, the federally-funded State Protection and Advocacy groups (*Disability Rights Texas* and *Disability Rights Iowa*), the EEOC was able to get to know the victims and have the access to them that was necessary to begin the investigation.

State Agencies and Authorities in Iowa were also instrumental in educating the EEOC about the various aspects of their own investigations and expertise on abuse, exploitation, inspections, wage violations, etc.



THE LAWS IN HENRY'S TURKEY

AMERICANS WITH DISABILITIES ACT (ADA)

Discrimination: “Because of Disability”

1. Non-payment of Wages
2. Harassment (Verbal and Physical) abuses that created a Hostile Work Environment
3. Disparate/Discriminatory Terms and Conditions of Employment
 - Required to live in Substandard Living Conditions
 - Restrictions on Freedom of:
Movement/Communication/Relationships
 - Harsh Discipline; Denial of Bathroom Breaks
 - Denial of Proper Medical Care

The Defenses to Deny and Deflect

DENY

“WE ARE NOT AN EMPLOYER” or “THE” EMPLOYER”

DEFLECT

*“PROVISIONS OF FAIR LABOR STANDARDS ACT (FLSA)
ALLOW FOR PAY DIFFERENCES”*

THEY ARGUED THAT....

*“THE LAW ALLOWS PAYMENT OF LESS THEN MINIMUM
WAGE TO WORKERS WITH DISABILITIES” -- 29 USC §14(c)
of the FLSA. Referred to as simply 14(c) certification.*

AND....

*“WE GET CREDIT FOR WAGES PAID IF YOU COUNT ROOM
AND BOARD AND OTHER LIVING AND TRANSPORTATION
EXPENSES” – called 3(m) Credits under the FLSA (29 USC
§203(m))*

Made-up Money Math



WAGES:

WLF Plant paid Henry's \$10-11,000 per week for work of the 25 disabled men = \$400 per man per week. With that money, Henry's, in turn, paid each man only \$2 per day (\$65 mth) and paid itself the rest.

DEDUCTIONS::::

The company claimed that large sums had to be *deducted* from the worker's wages to reimburse the company for "room and board" and other "misc. expenses", BUT...

This "room and board" was for the substandard living conditions of the old school house with boarded up windows, inoperable water heaters, and dangerously unsafe and cramped living conditions. Co. paid only \$20 per man per mth. a total \$600 per mth for the entire group including Supvrs. Meanwhile, HCF was "reimbursing" itself over \$600 per mth PER MAN for a total of over \$15,000 per mth.

Employer's Dual Role = The Double Take



- HCF made itself the Rep Payee of their Soc.Sec. benefits. Co. set up bank accounts (in TX, not Iowa) in the name of each man but c/o HCF, then tapped into those accounts to “reimburse” itself.
- HCF was Paying itself 2X by first deducting from the wages and emptying the SS accounts at the same time. Co. Accountant/Tax Preparer claimed ignorance. The Financial Officer (wife) admitted she couldn't explain her own handwritten numbers in the double set of accounting ledgers. About \$1,500 wage theft from each man each month.
- HCF was not able to attest under oath that years of corporate income tax returns had for sure been filed. Original tax forms were missing. = Violation of Tax Laws.



Abuse and Neglect: Physical and Psychological

- To express dissatisfaction with job performance, Supvrs hit the men, frequently kicked them in the groin, sprayed them with hoses, knocked them to the ground and pushed one man down a stairway. They sometimes locked someone in their room and even handcuffed an individual.
- Turn Off the TV – No access to the outside world.
- Denial of Worship and Fellowship – No access to spiritual/social comfort

ABUSE AND NEGLECT – DENIAL OF MEDICAL CARE

Co. claimed Supvrs were paid to provide medical care. BUT...EEOC discovered that the Supvrs hired off the streets, had no training or experience re: persons with disabilities or in the health care field at all.

Medical records showed years between visits to doctors/dentists. Fungal infections, loss of teeth, repetitive motion injuries to hands, One man's broken kneecap and infection. One man thought to be deaf, but later discovered just a non-cleaning of ears that seemed years old.



Unsupervised, self-administered insulin shots unattended pill board. Forced to go work despite illness, one while undergoing chemo for cancer.

A TRAFFICKING BLIND SPOT

QUESTION...How could this happen for so long time and no one seem to notice? **TYPICAL IN TRAFFICKING WHETHER BASED ON RACE, SEX or DISABILITY**

ANSWER.....In Trafficking or Forced Labor cases, Employers hide the victims by keeping them off the Grid.

- Company Card as only ID; Use of Nos. that depersonalize people
- Isolation coupled with Confinement to one place for All
- Locked Rooms, Locked Doors, Handcuffing
- No Communication w/ Outside – No Cell Phones and Restricted Use or monitoring of House Phones; No Computers
- No Relationships w/ Females, thus no Families of their own.

HIDDEN IN PLAIN SIGHT

- **MOST OBVIOUS ASPECT OF SCHEME TO HIDE THE MEN = DENIAL OF BENEFITS**

While for over 30 years, the Employer refused to inform the State of Iowa that the disabled men were Iowa residents, and thereby eligible for Medicaid Benefits and Disability Services (residential, medical, transportation, jobs, recreation, training) in Iowa. Their eligibility was in Texas, but they were not.

Also...Keeping the workers off the radar in both Iowa and Texas let the employer control both the money in TX and the men in IA. No one would uncover their scheme as long as the men did not get assistance from others.

- **Over time, the victims became invisible.**

JUDGEMENT DAY

Part I



BEFORE THE TRIAL

Court ruled on Motion for Summary Judgment: the men were due WAGES = \$1.3M as a matter of law.

IMPORTANT: Court agreed with EEOC that men were entitled to recover **MARKET WAGE RATE** of what was paid to Non-disabled who did the Same work at the same level of experience.

Entitled to MORE THAN just Federal Min Wage as recoverable under the FLSA, and MORE than State Minimum Wages – in some states higher than Federal wage rate, recoverable by the State) Neither FLSA Sections 14C nor 3(m) credits were applicable under the facts of fraud and financial exploitation.

JUDGEMENT DAY

Part II



THE TRIAL

With lost wages already awarded, EEOC's focus at trial: Award of **NON-PECUNIARY COMPENSATORY DAMAGES** for emotional harm and "loss of enjoyment of life" AND **PUNITIVE DAMAGES** for reckless indifference to the federally protected rights of the victims of discrimination, all under 42 U.S.C. §1981a Civil Rights Act of 1991. **FOCUS WAS ON TREATMENT** beyond the pay.

- At Trial on Treatment Issues, **JURY VERDICT \$240M** total = **\$7.5M ea.** For 32 men.
- Unfortunately, statutory caps under CRA 1991 (enacted 30 yrs ago) reduced \$7.5M to **only \$50,000 ea.** based on the size of the company (less than 100 employees) regardless of what the jury decided the men deserved.

Q: Would the Men Ever See a Penny?

SEP-OCT 2015: Recovery of \$850,000 from liens and interrupted fraudulent land deal. U.S. Atty (DOJ) and Federal Court assisted EEOC in intervention.

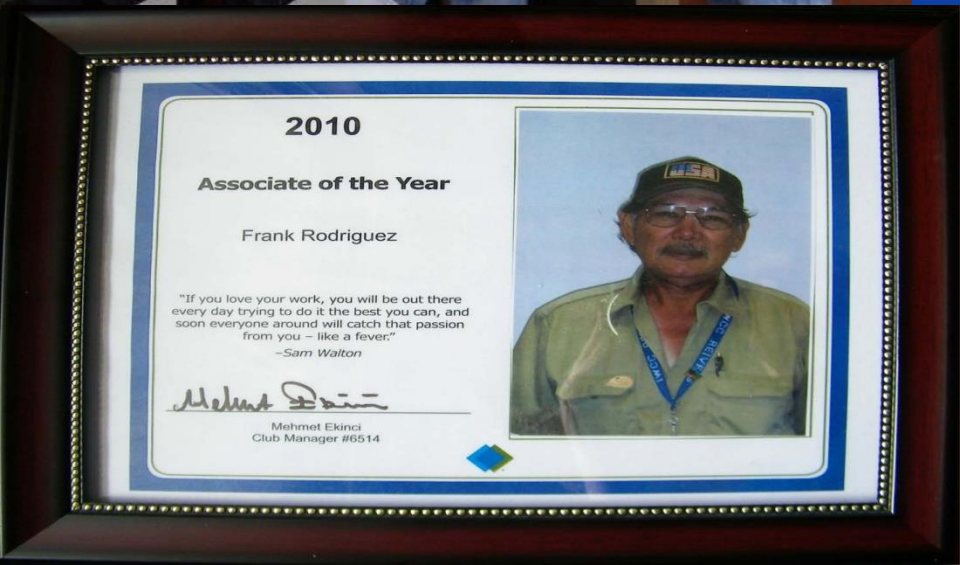
SEP-OCT 2016: Recovery of \$900,000 from another anticipated land transaction upon death of Mr. Henry.

A: Recovery = \$1.75 Million plus Payment and Restoration of many years of Social Security Benefits (over \$100,000 each for most of them)

Q: How are They Doing Today?

- MEDICAID AND DISABILITY SUPPORTS, HEALTH CARE
- HOMES w/ PRIVATE ROOMS (4 to a House) and THEY GET TO CHOOSE WHERE THEY LIVE
- SOME CHOSE TO WORK REAL JOBS FOR REAL PAY
- SOME CHOSE TO RETIRE
- SOME HAVE CHOSEN TO HAVE RELATIONSHIPS AND MARRIAGE
- MANY HAVE TOLD ME THAT THEY CHOOSE NOT TO EAT TURKEY FOR THANKSGIVING
- TRAVEL AND EVENTS OF INDIVIDUAL INTEREST vs. GROUP OUTINGS

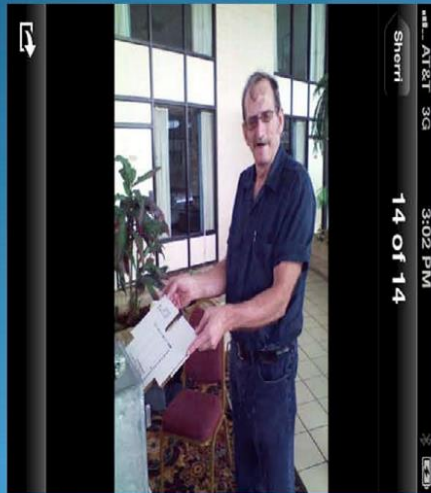
CHOICE = FREEDOMS = LIFE



KEITH BROWN

WORK AND DAILY ACTIVITIES:

Keith enjoys earning a good salary Working at Richardson Industries. He also likes Voting and watching News Shows



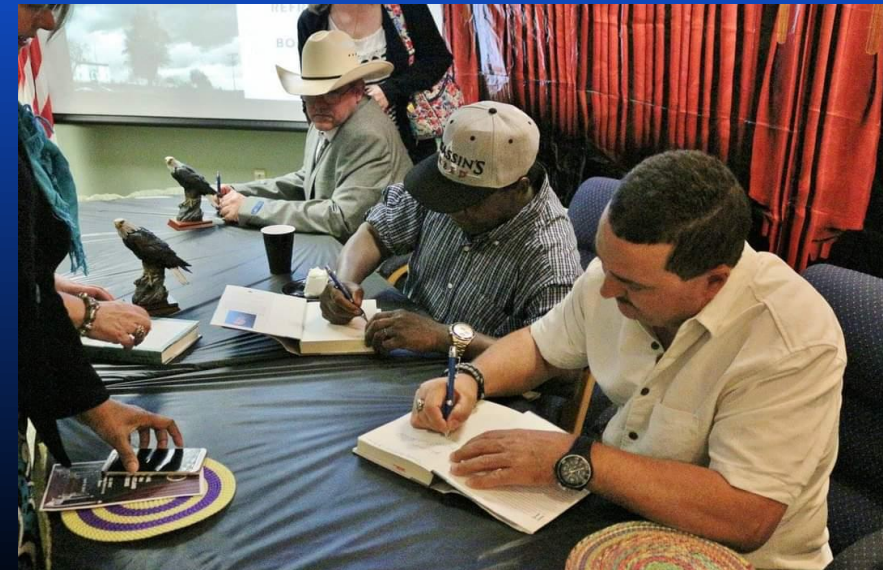


Life, Liberty and the Pursuit of Happiness





Reunions and Recognitions Honoring “The Heroes of the Heartland”



EPILOGUE:
Always be Ready to
Listen and Believe

“Henry’s Turkey Part II”

EEOC v. WORK SERVICES INC.

C.A. No. 3:16-cv-03257-HMH-JDA

**United States District Court for South Carolina
(Consent Decree 2018)**



The Journey to Justice: Some Lessons Learned Along the Way

- Do Not Assume Credibility will be a Challenge. Consistency Counts. Transparency is a Teller of Truth.
- There is a wide spectrum ability for persons with IDD, so identify the approach that work best with each individual. Guard against generalizations. (Examples)
- When voices of victims seem quiet, find a person with expertise or experience who can amplify the voice of the victim.
- Whether you have some power or authority or are just a caring co-habitant of this planet, don't assume "someone else" must know and be "handling it" when it comes to something you may observe that is amiss or instinctually troubles you.
- Don't hesitate seeking to learn from others in the fields of compliance, enforcement, advocacy or services to help you do what you do best.



New York Times Article Online “Boys in the Bunkhouse”

- ▶ <http://www.nytimes.com/interactive/2014/03/09/us/the-boys-in-the-bunkhouse.html> Also includes a
- ▶ Video Documentary: “The Men of Atalissa”
Award Winning Journalist: Dan Barry



**THE BOYS IN
THE BUNKHOUSE**

— — — — —
**SERVITUDE AND SALVATION
IN THE HEARTLAND**

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DAN BARRY

AUTHOR OF *BOTTOM OF THE 33RD*

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