



Immigration

Specialists Address Local Junior League

POSTED BY SARA KANDLER

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While the problem of illegal immigration has surfaced on the national scene in recent years, it was virtually absent from the presidential campaigns that concluded recently. Yet the issue is far from resolved.

"We have a real problem in America that's being swept underneath the rug," said Guy Maddalone, founder, president and CEO of A New England Nanny and [GTM Payroll Services](#). Maddalone specializes in the placement of home healthcare, eldercare and childcare workers, a group that includes many immigrants. "Human rights are being violated," he said, citing a study that found the median work day for household workers to be 14 hours with a median wage of a mere \$2.14 per hour. Issues relating to immigration and household workers are highly relevant to the Sound Shore area as some 12 percent of the more than 11 million unauthorized immigrants in the U.S. live in New York and Connecticut.

But the problems are often hidden, as the employment takes place behind closed doors. Many employers of household workers are unaware of the immigration status of their employees and may not feel comfortable asking what could seem like threatening questions. In addition, many employers do not realize which tax and benefits requirements apply to household workers – or if any apply at all. And many illegal household workers may wish to avoid claiming their income due to fears that it could imperil their livelihood or residence in the U.S.

In an effort to help clarify these issues and others, the Junior League of Westchester on the Sound invited Mariana Boneo, executive director of the Hispanic Resource Center of Larchmont and Mamaroneck, Robin Bikkal of Silverman, Bikkal & Sandberg, LLP, and Maddalone, to speak on the problem at its October membership meeting. The panel discussion took place at Bonnie Briar Country Club and was open to the public.

Discussed was the fact that an employee must be paid at least the federal or state minimum wage, whichever is higher (New York State's is higher at \$7.15 per hour, currently), plus time-and-a-half for any hours worked beyond the 40-hour workweek. This holds true whether the employee is documented or not, and whether or not he or she lives within the employer's home (although live-in workers are entitled to overtime after working 44 hours per week).

These salaries are required by law, pointed out Boneo, but they are not necessarily a true "living wage." The hourly pay range in the Sound Shore area is more often between \$15 to \$25 an hour, she said, which is only fair given the high cost of living here.

Employers also need to realize that their employees rely on their incomes, so interrupting pay due to a change in plans or an extended vacation can be devastating. Clarity regarding holidays, vacations and sick days, including days that a worker may need in order to care for a sick child or parent, is critical for a good relationship, Boneo said.

Maddalone recommends stating all of these policies in a written agreement so that both parties' expectations are clear.

For those who wish to help an employee regularize his or her status in this country, Bikkal noted that the process has become increasingly time-consuming and onerous.

Sponsoring a household worker can take eight years, Bikkal said, require several administrative steps and cost \$5,000 to \$8,000. One important piece of advice for anyone who would like to rectify his or her immigration status in this country is to pay income taxes in order to establish residence as well as good intentions. Contrary to the fears of many, this can be done safely as the U.S. Citizenship and Immigration Services and the Internal Revenue Service do not share information.

While the system is highly overburdened and convoluted, Bikkal remains optimistic. "There are so many millions of hard-working, tax-paying aliens waiting," she said. Immigration reform "is going to happen soon."

The Fall Panel Discussion is an annual event organized by the Public Affairs Committee of the Junior League of Westchester on the Sound. For further information on the Junior League in our area please visit www.jlwos.org. For more information on tax and payroll issues, contact www.gtm.com.

By Sara Kandler, Public Affairs Committee member, Junior League of Westchester on the Sound.

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