



# LESSONS FROM THE BOYS IN THE BUNKHOUSE: SAFEGUARDING THE RIGHTS OF WORKERS WITH IDD



SESSION CODE: 3006

# 37th Annual Conference Texas Council of Community Centers

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

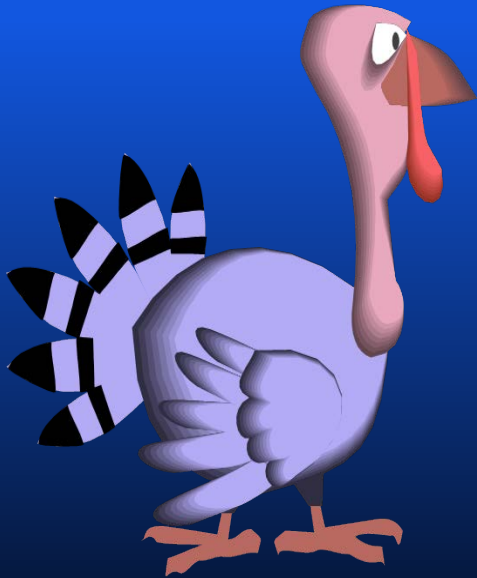
*Robert A. Canino*

*Regional Attorney, U.S. EEOC  
Dallas District June 18, 2024*



# **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
- THE RESULTS AND LESSONS LEARNED

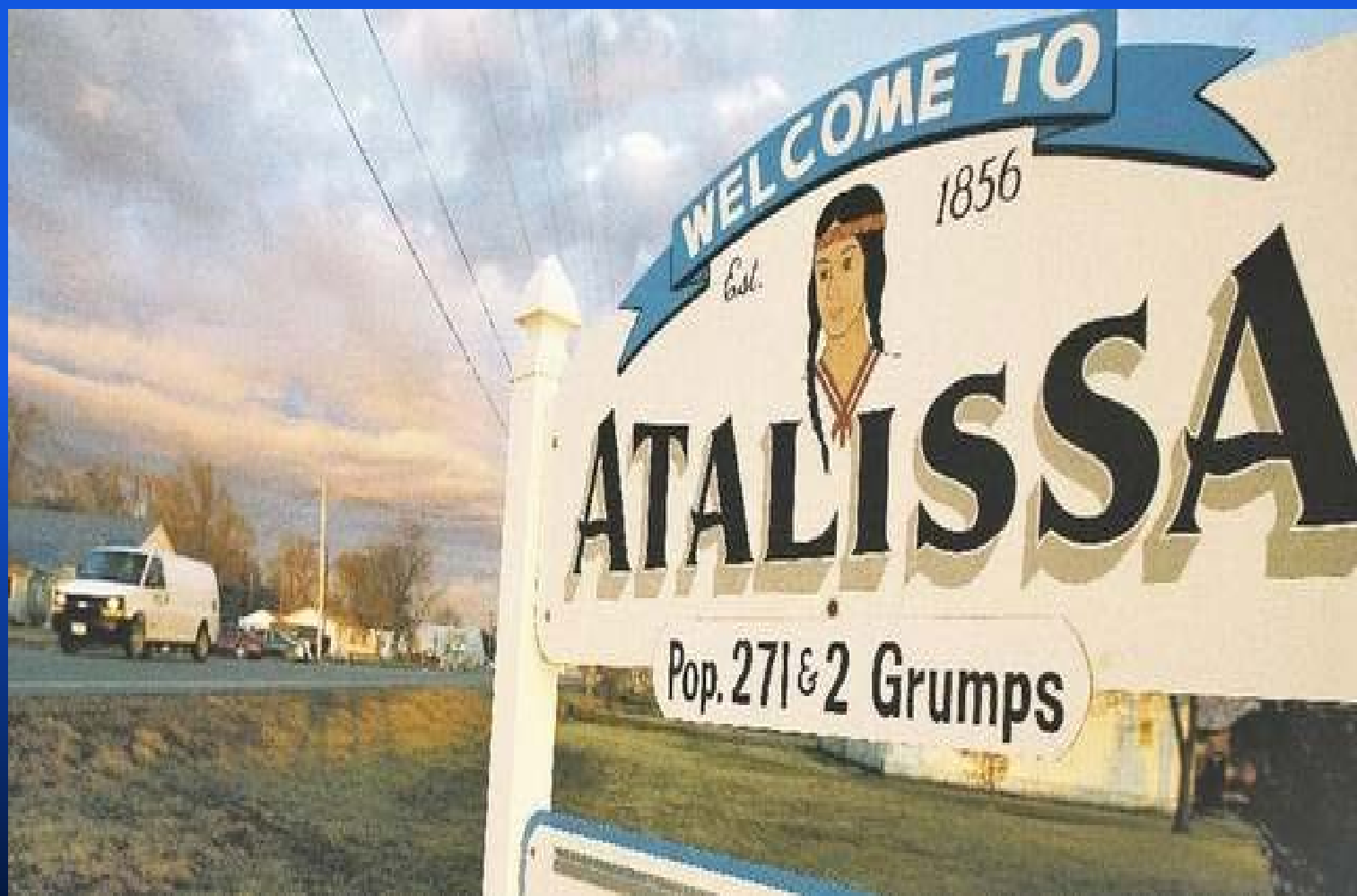


**This Story Starts in TEXAS  
Late 1960's to IOWA 2009**

# TURKEY PROCESSING PLANT WEST LIBERTY, IOWA







# **“The Bunkhouse” – 100 yr old abandoned school**



# ***The FACTS and FACES***

EEOC brought this case on behalf of a class of 32 intellectually and/or Developmentally disabled (IDD) adults employed with HCF-HTS which contracted to provide turkey evisceration services.

After about 30-40 years of working in Iowa, 21 of the men were rescued in February 2009 by Iowa State authorities which included law enforcement, IDHS, Adult and Child Protective and Services and a Disability Services Provider. The victims were immediately evacuated from “the Bunkhouse”, where they were living in inhumane conditions.

Some of the men had, however, already been transported by HCF-HTS to Texas where some were left in Nursing Home environments, and some were put into Group Homes just a few months earlier. Few had any surviving family members.

Iowa Dept. Human Svcs. was able to obtain immediate medical attention for the Iowa men and transitioned them to a disability services provider who could attend to their needs and find them a safe, sanitary place to live, and new job possibilities for those who might want to continue working.

# 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***

## **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 Social Worker was specifically assigned to each victim. “Stand by Your Man” Plan.

State of Iowa secured services of one of their contracted **Disability Services Providers** 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***

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 helped us analyze pay records.

FAMILY: 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.

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 LAW IN HENRY'S TURKEY

## AMERICANS WITH DISABILITIES ACT (ADA)

### Theories of Discrimination:

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 LAW



## THE DEFENSES (Smoke and Mirrors)

- ***“WE ARE NOT AN EMPLOYER”***
- ***“WE ARE NOT THE RIGHT OR ONLY EMPLOYER”***
- ***“PROVISIONS OF FLSA ALLOW FOR PAY DIFFERENCES:***

***“THE LAW ALLOWS PAYMENT OF LESS THEN MINIMUM WAGE TO WORKERS WITH DISABILITIES” -- 14(c)***

***“WE GET CREDIT FOR WAGES PAID IF YOU COUNT ROOM AND BOARD AND OTHER LIVING AND TRANSPORTATION EXPENSES” – 3(m) Credits***

# ***The Employer Made up Math on the Money***



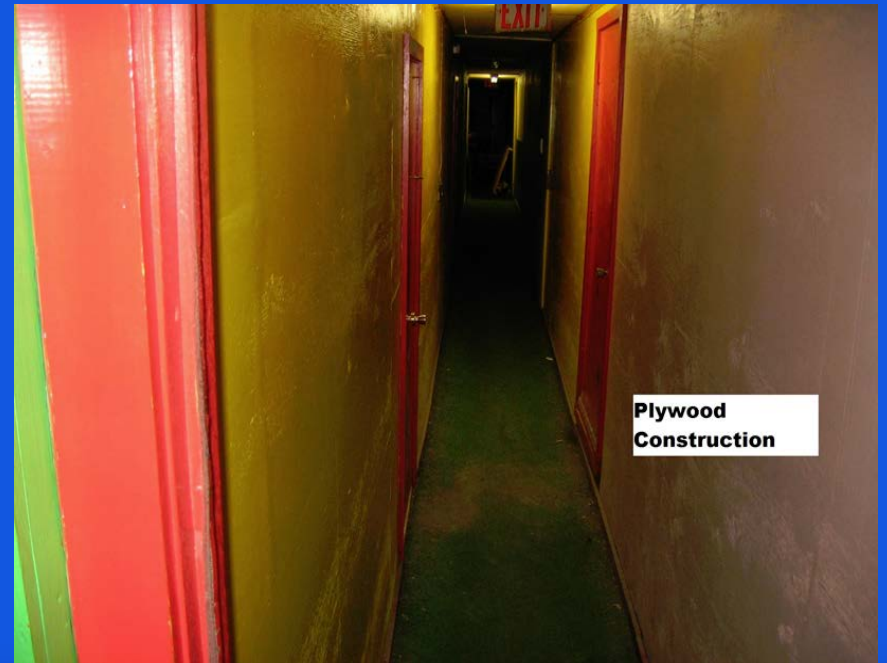
- WLF Plant paid Henry's \$10-11,000 per week for work of the 25 disabled men = \$400 per man per week. With that money, Henry's, in turn, paid each man only \$2 per day (\$65 mth) and paid itself the rest.
- The company claimed that large sums had to be deducted from the worker's wages to reimburse the company for "room and board" and other "misc. expenses", BUT...

This "room and board" was in a 100 year old abandoned school house with boarded up windows, roach and mouse infestation, inoperable water heaters, a leaking roof, and the worst fire hazard the Fire Marshal had seen in his career and thousands of inspections. 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.









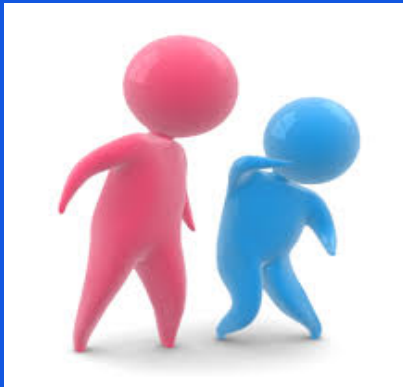
**Plywood  
Construction**



# ***Employer's Dual Role = Double Take***



- Co. made itself the Rep Payee of the men's Soc.Sec. Disability and SSI benefits. Co. set up bank accounts (in Texas, not Iowa) in the name of each man but c/o HCF, then proceeded to tap into those accounts to "reimburse" itself.
- HCF Paying itself twice by deducting from the wages and then emptying their SS accounts at the same time. Co. Acct/Tax Preparer claimed ignorance, and the Financial Officer (wife) admitted she could not explain her own handwritten double books.
- HCF was not able to attest under oath that years of corporate income tax returns had for sure been filed. And consistent with disappearances, original tax forms were missing.



# ***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. Walking in circles around a gym carrying heavy weights until they just couldn't.
- 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 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, uncut nails. One man's broken kneecap and infection from falling on concrete at work went ignored and untreated despite pleas to Supvrs.



Unsupervised, self-administered unattended pill board. Forced to go work despite illness, in one case, 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, it is typical for Employers to hide the victims by keeping them off the Grid.

- Company Card as only ID
- Use of Numbers that depersonalize people
- Isolation coupled with Confinement to One Residence for All
- Locked Rooms, Locked Doors, Handcuffing
- No Communication w/ Outside – No Cell Phones and Restricted Use 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

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

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

# ***JUDGMENT DAY***



- Wages owed, \$1.3M was awarded without a trial on Summary Judgment granted by the Court. Judge Awarded the MARKET WAGE RATE paid to Non-disabled who did the same jobs.

*Note: THIS IS MORE THAN Federal or State Minimum Wages*

- At Trial on Treatment Issues, Jury verdict was \$240M total = \$7.5M ea. for 32 men.
- 5.5M ea. for Compensatory Damages for Emotional Harm and Loss of Enjoyment of Life.
- The jury awarded an additional \$2M ea. as Punitive Damages against the employer.

*Q: Would the Men Ever See a Penny?*

- **SEP-OCT 2015: Recovery of \$850,000 from liens and interrupted fraudulent land deal. U.S. Attorney and Federal Court assisted in intervention.**
- **SEP-OCT 2016: Recovery of \$900,000 from another intervention.**

*A: Recovery = \$1.75 Million plus Payment and Restoration of many years of Social Security Benefits*

## *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
- DON'T KNOW OF ANY WHO CHOOSE TO EAT TURKEY FOR THANKSGIVING
- TRAVEL AND EVENTS OF INDIVIDUAL INTEREST vs. GROUP OUTINGS

**CHOICE = FREEDOMS = LIFE**



# WHAT FREEDOM LOOKS LIKE!

## KEITH BROWN

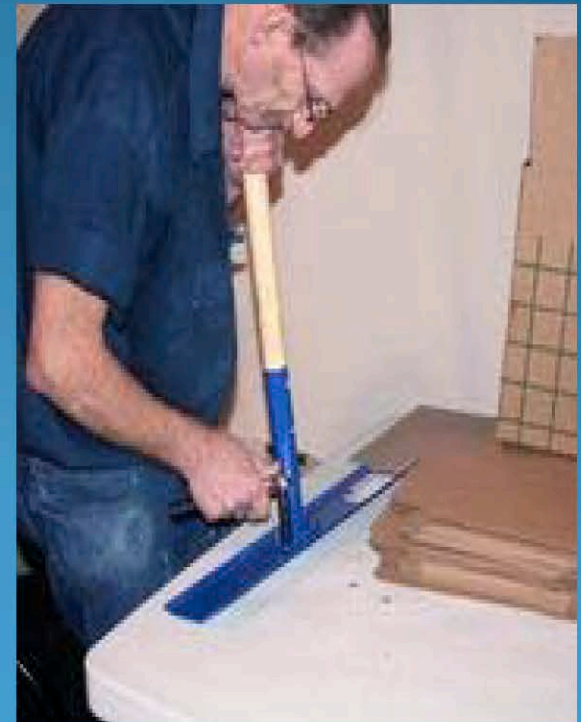
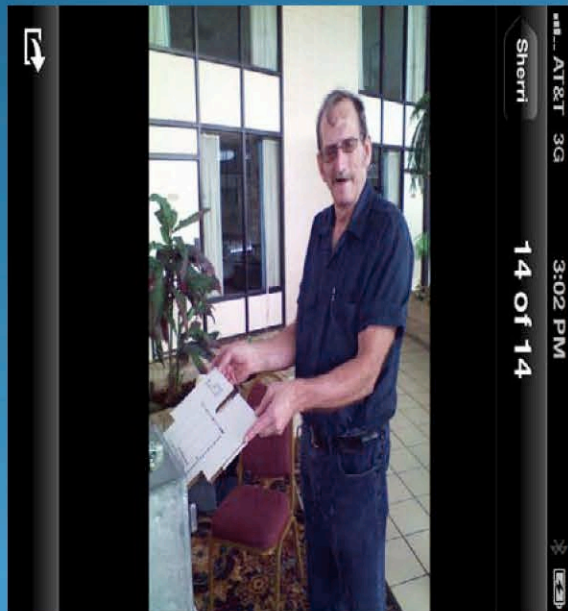
HOME: Lives in his own apartment in a Multi-Story Bldg. overlooking downtown Fayetteville and the University of Arkansas. He especially likes the home office area he set up for himself.



# KEITH BROWN

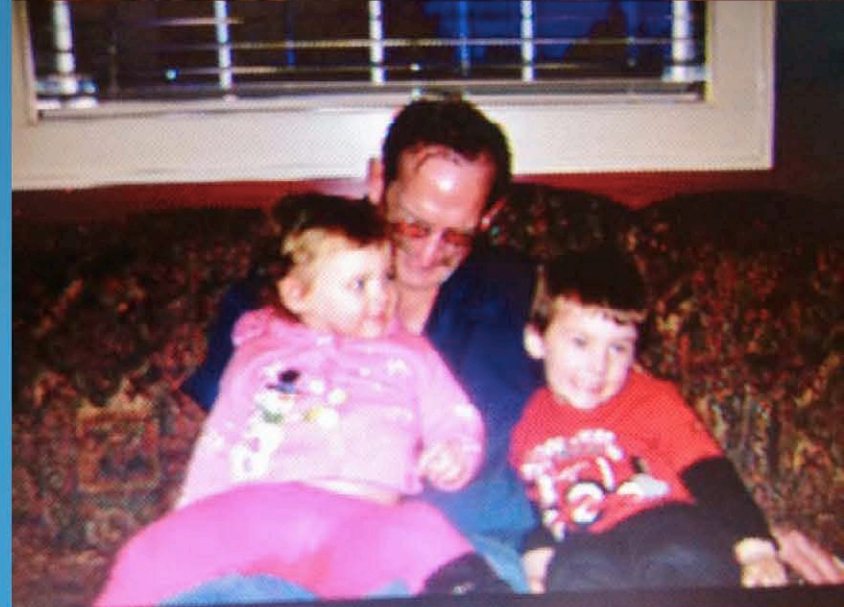
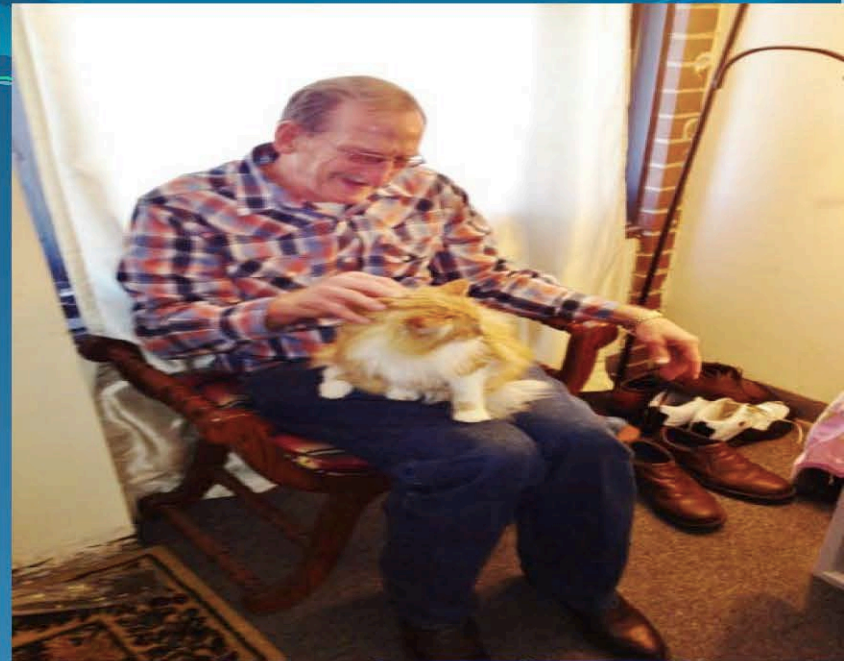
## WORK AND DAILY ACTIVITIES:

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



# KEITH BROWN

**LEISURE:** In his free time, Keith likes to spend time with his family and his pet cat. He loves to cook meals for himself too.



# Life, Liberty and the Pursuit of Happiness



# BACK IN TEXAS HONORING THE HEROES OF THE HEARTLAND



# What are some Takeaways -

1. Persons with Intellectual or Developmental Disabilities are vulnerable to Human Trafficking and Exploitation Schemes.
2. Our understanding and enlightenment about persons who are IDD, is ever-evolving. What may be acceptable with regard to how we can help with integration, socialization, contribution and community in any given year changes because we are constantly learning more about ourselves. Irrespective of our intentions. Simply defaulting to repeating and relying on old ideas is very likely to be limiting.



# What are some Takeaways -

3. It is our collective goal as care and services providers and advocates to make sure that persons with disabilities never become invisible or without a voice...wherever they may live or work-- We want to encourage others to be proactive in engaging these incredible people.

It may take a TEAM of caring people and staff to address concerns and to right the wrongs that we may see or that we want to prevent. You are not alone.

Know your network -- we work better together.



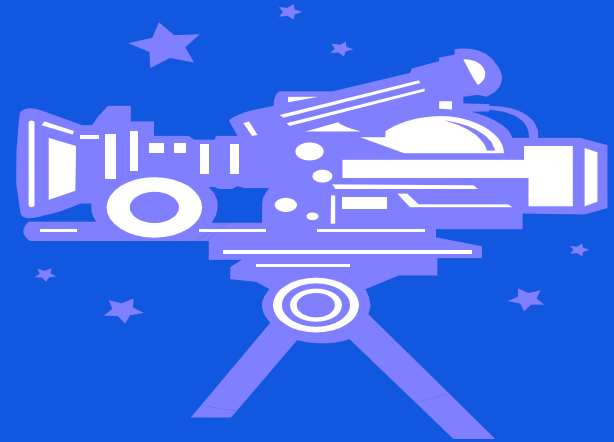
# ***EPILOGUE***

-

***Always be Ready to Listen and Believe***

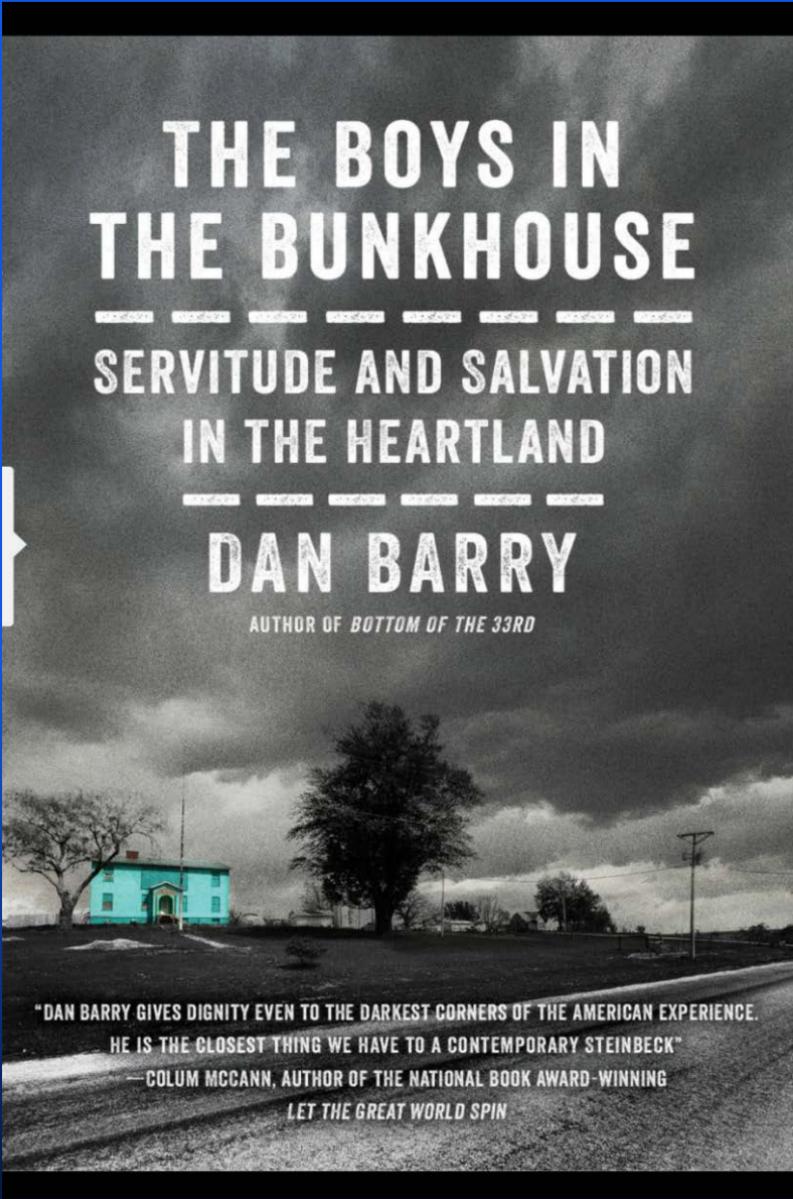
## **Henry's Turkey "Part II"--**

***EEOC v. WORK SERVICES INC.***  
**C.A. No. 3:16-cv-03257-HMH-JDA**  
**United States District Court for**  
**South Carolina**  
**(Consent Decree 2018)**



## *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

**DAN BARRY**

AUTHOR OF *BOTTOM OF THE 33RD*

"DAN BARRY GIVES DIGNITY EVEN TO THE DARKEST CORNERS OF THE AMERICAN EXPERIENCE.

HE IS THE CLOSEST THING WE HAVE TO A CONTEMPORARY STEINBECK"

— COLUM MCCANN, AUTHOR OF THE NATIONAL BOOK AWARD-WINNING

*LET THE GREAT WORLD SPIN*

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