



WELCOME

Prosecutors' Center for Excellence Pop-Up

How Prosecutors Help Fight Workplace Crimes and Injustice Part 2

September 16, 2024



PCE

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NYU WAGNER
LABOR INITIATIVE

How Prosecutors Help Fight Workplace Crimes and Injustice Part 2

AGENDA

September 16, 2024
12:00 pm—2:00 pm (EST)

12:00 – 12:05 – Introduction, Opening Remarks

Executive Director Kristine Hamann
Prosecutors' Center for Excellence

12:05 – 12:15 – Overview of state programs for prosecuting wage theft and other employer crimes

Director Terri Gerstein
NYU Wagner Labor Initiative, NYU Robert F. Wagner Graduate School of Public Service

12:15 – 12:35 – Perspectives from worker organizations

Executive Director Danielle Alvarado
Working Washington & Fair Work Center

12:40 – 1:00 – Case study – Workplace Safety Prosecutions

Assistant State's Attorney Samantha Magnani
Connecticut Division of Criminal Justice, Hartford, CT
Former Unit Chief of the Construction Crimes and Labor Fraud Unit/Assistant District Attorney
Kings County District Attorney's Office

1:05 – 1:25 – Case study – Grimaldi's Pizzeria

Chief of Worker Protection Unit Rachana Pathak
Manhattan District Attorney's Office, NY

1:30 – 1:50 – Challenges of Bringing Child Labor cases

Criminal Enforcement Section Chief, Labor Jeremy Pfetch
New York State Attorney General Office

Criminal Section Chief, Labor Bureau Richard Balletta
Nassau County, NY

1:55 – 2:00 – Conclusion

Executive Director Kristine Hamann, PCE

Speaker & Facilitator Bios



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Danielle Alvarado
Executive Director
Working Washington & Fair Work Center

Danielle has more than a decade of experience working in movements for racial and economic justice across the country. As Executive Director, she provides leadership on organizational strategy, advocates for public policy that puts workers first, and fosters collaboration between our campaigns, legal, and education teams to build worker power in Washington state and beyond. She previously served as Legal Director, overseeing the Legal Clinic's efforts to recover \$1.5 million in stolen wages and expanding representation of low-wage workers in wage theft, harassment, and retaliation cases.

Before coming to Working Washington & Fair Work Center, Danielle was an Immigrants' Rights Staff Attorney at Takeroot Justice, where she provided direct representation, policy and technical assistance, and strategic campaign support to grassroots immigrants' rights organizations and worker centers in New York City. She serves on the Board of Directors for Detention Watch Network, a national organization dedicated to ending immigration detention in the United States. She speaks Spanish, attended Whitman College and Northeastern University School of Law, and is a proud past recipient of the National Lawyers Guild C.B. King Award. Danielle is admitted to practice law in Washington and New York. When she's not working, Danielle enjoys taking her puppy out on walks and making pottery.



Richard Balletta

Criminal Section Chief, Labor Bureau
Nassau County, New York

Richard Balletta has been involved with Labor Law enforcement since 1998 when he joined the New York State Office of the Attorney General's Labor Bureau. For ten years Mr. Balletta concentrated on affirmative litigation to protect the rights of workers in New York State. While at the AG's Office from 1988 until 2008 he was a participating member of the New York State Joint Enforcement Task Force on Employee Misclassification, lead counsel on prevailing wage litigation, bankruptcy priorities litigation, and surety litigation. Mr. Balletta also helped to form and shape the direction the Labor Bureau's Criminal Prosecution Section which concentrated on felony prevailing wage and failure to pay wage prosecutions arising under the New York State Labor Law. In 2008, Mr. Balletta joined the New York State Department of Labor as the Assistant to the Executive Director of the New York State Joint Enforcement Task Force on Employee Misclassification and Chief Unemployment Fraud Officer. During that time he directed investigations for the member governmental agencies of the Task Force, coordinated settlements, administrative hearings, and criminal prosecutions related to the misclassification of workers and failure to pay Unemployment Insurance Contributions. In 2011, Mr. Balletta joined the Nassau County District Attorney's Office as the Chief of the Labor Unit where he directed criminal investigations and prosecutions involving prevailing wage law violations, minimum wage law violations, unemployment insurance fraud, workers' compensations fraud and tax fraud. In June of 2014 Mr. Balletta returned to the New York State Office of the Attorney General where he served as the Criminal Section Chief in the Labor Bureau. Longing for home, he returned to the Nassau County District two months ago where he is the Attorney-In-Charge of Labor.

Prior to entering Public Service in 1998, Mr. Balletta practiced criminal defense with the Nassau County Legal Aid Society and as a member of the law firm of Barket, Insardi & Balletta PC. Mr. Balletta is a graduate of Hamilton College and St. John's University School of Law.



Terri Gerstein

Director

NYU Wagner Labor Initiative, NYU Robert F. Wagner Graduate School of Public Service

Terri Gerstein is the Director of the newly-created [NYU Wagner Labor Initiative](#), at New York University's Robert F. Wagner Graduate School of Public Service. The Labor Initiative is a hub of research and action to help government work more effectively for workers, focusing on both policy and implementation. Among other things, the Initiative focuses on expanding and improving state and local enforcement of worker protection laws, working extensively with state attorney general, district attorney, county attorney, and local labor standards offices, among others. Previously, Terri was the Director of the State and Local Enforcement Project at the Harvard Law School Center for Labor and a Just Economy; a Senior Fellow at the Economic Policy Institute; and an Open Society Foundations Leadership in Government Fellow.

Terri enforced labor laws for over 17 years in New York, including as Labor Bureau Chief in the New York State Attorney General's Office and as Deputy Commissioner in the New York State Department of Labor. In those roles, she implemented innovative approaches to enforcing workers' rights, including, among other things, industry-focused strategic enforcement, an increase in criminal prosecution, and extensive collaboration with worker organizations. Before her government service, Terri was a nonprofit lawyer in Miami, Florida, where she represented immigrant workers and co-hosted a Spanish language radio show on workers' rights.

Terri writes and speaks frequently on labor and workers' rights issues. She has authored numerous law review articles, think tank reports, and a book chapter, as well as scores of op-eds on worker and labor issues in the New York Times, the Washington Post, CNN, Slate, Teen Vogue, The American Prospect, and other outlets. She has been interviewed on CNN, Democracy Now, National Public Radio, and in dozens of print media publications. Terri has also testified as an expert before the U.S. Senate Judiciary Committee, as well as several state legislatures. She is a member of the American Law Institute, and was the recipient of the Labor and Employment Relations Association 2024 Susan C. Eaton Scholar-Practitioner Award. Terri is a graduate of Harvard College and Harvard Law School.



Samantha Magnani

Deputy Assistant State's Attorney- Connecticut Division of Criminal Justice
Hartford, CT

*Former Unit Chief of the Construction Crimes and Labor Fraud Unit/Assistant District Attorney
Kings County District Attorney's Office*

Samantha Magnani is a former Assistant District Attorney at the Kings County District Attorney's Office. She joined the Kings County District Attorney's Office in 1997 and just recently resigned to take another position in Connecticut. Ms. Magnani served as an Assistant DA and a Senior Assistant DA in Trial Bureau V and a First Deputy Bureau Chief in Trial Bureau V, where her primary responsibilities consisted of supervising approximately 30 junior and senior assistant trial attorneys, overseeing on-going investigations and conducting trials on violent felonies. After becoming a felony trial attorney in 1999, Ms. Magnani conducted in excess of 50 trials to verdict as either lead attorney or co-counsel and presented over 300 cases to grand juries.

Several of the more notable cases in which she was involved as lead attorney in Trial Bureau V have been the successful prosecution of the following cases: in 2016 of a man who hired a known drug dealer to set a fire in an occupied commercial and residential building at night because of a dispute with some of the occupants, in 2009 of a bodega owner in Brownsville responsible for the felony assault with a hammer upon a then 14 year old young man who went to purchase some food after a basketball game, and the successful prosecution in 2007 of three teenagers who robbed and beat to death an elderly 71 year old man in the Howard Houses who was waiting for the elevator in the lobby of 260 Stone Avenue.

During her tenure at the Kings County District Attorney's Office, Ms. Magnani also served as a liaison be-



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tween the Kings County District Attorney's Office and the Juvenile Robbery Intervention Program (part of the NYPD) which was designed to rehabilitate and deter young defendants from further interaction with the criminal justice system. Ms. Magnani further served as a panelist once a month on the Cease Fire forum which was designed to deter parolees from further violent criminal activity. She also regularly attended the PSA 2 and 73 precinct community council meetings and assisted both members of the community and defendants (who are being offered court mandated programs) with direction and information to facilitate entry into community based programs and programs offered by the District Attorney's Office such as Center for Employment Opportunity, Cases and Fortune Society. Ms. Magnani also served as the DNA liaison between the prosecutors in her Bureau and the DNA Unit.

In 2016, Ms. Magnani transferred to the Investigations Division at the District Attorney's request to assist in creating a unit to focus on construction related homicide and labor fraud cases. Ms. Magnani served as the Unit Chief of the Construction Crimes and Labor Fraud Unit since its inception in 2019. Between 2016 and 2022, Ms. Magnani served as lead attorney on several major construction related investigations which were successfully indicted and prosecuted in the Kings County Supreme Court. The Unit currently handles all construction related fatalities and severe injury cases as well as all labor related fraud investigations.

Ms. Magnani is a graduate of Long Island University, CW Post Campus which she attended on a full academic scholarship and the University Of Richmond Law School in Richmond, Virginia. Ms. Magnani served as associate editor on the law review while at the University of Richmond. Prior to working at the Kings County District Attorney's Office, Ms. Magnani served as a law clerk for United States Magistrate Judge David Lowe in the Eastern District of Virginia. Ms. Magnani has also conducted training programs within her office on jury selection, opening statements and the presentation of evidence at trial. Ms. Magnani joined the Connecticut State's Attorney's Office in January of 2022 where she works as a prosecutor in the Hartford office prosecuting violent felony cases.

Rachana Pathak
Chief of Worker Protection Unit
Manhattan District Attorney's Office, NY

Rachana Pathak is the Chief of the Worker Protection Unit at the Manhattan District Attorney's Office. As a 20-year veteran of the office, Rachana Pathak brings a wealth of experience to this position. She has recovered millions of dollars in stolen wages for numerous workers, including most recently against the owners of Grimaldi's Pizzeria. She established a Stolen Wage Fund, the first of its kind, for employees who could not recoup their stolen wages through the normal processes (i.e., when employers declare bankruptcy). In addition to criminally prosecuting wage theft cases, she has prosecuted individuals and companies that create safety hazards, resulting in innocent workers' deaths. Most recently, she brought enterprise corruption and reckless endangerment charges against an OSHA training school that had issued more than 17,000 fake training certificates, which led to the death of a carpenter. Before that, in 2019, she secured top-count manslaughter convictions against the building owner, general contractor, and plumbers after the death of two individuals in the East Village gas explosion, a case that transformed the way the City conducts gas inspections. Before that, in 2018, she secured a manslaughter conviction against SSC Highrise for the death of an employee after a scaffold fall and recouped \$517,000 in stolen wages for its workers. In 2015, she indicted 50 individuals, including 16 city employees, in a sprawling real estate bribery scheme. She has led the Construction Fraud Task Force since 2020, and has regularly collaborates with advocacy groups and city, state, and federal agencies to make these cases.



Jeremy Pfetsch
Criminal Enforcement Section Chief Labor
New York State Attorney General Office

Jeremy Pfetsch is the Section Chief of the Criminal Enforcement Section in the Labor Bureau of the New York State Attorney General. The Section prosecutes cases of wage theft against employers who defraud workers of their pay, and other related criminal violations of New York Labor Law, including child labor violations and fraudulent schemes impacting workers. The Section also focuses on fraud and abuse in New York's public work programs. In addition to his work on criminal labor cases, Jeremy was a member of the Attorney General's Opioids Litigation Team, helping to build the team's case against the distributor companies, who settled with the plaintiffs in 2021, shortly after the beginning of the civil liability trial in Suffolk County Supreme Court. He also assisted with the Labor Bureau's lawsuit against Amazon to protect warehouse workers' rights to health and safety during the global pandemic. Jeremy received two Louis J. Lefkowitz Memorial Awards for his work on behalf of the Office. Prior to joining the OAG in 2016, Jeremy was an Assistant District Attorney at the New York County District Attorney's Office for nine years, where he prosecuted a wide variety of cases including both violent and economic crimes, trying twenty cases to verdict. Jeremy holds a J.D. from Fordham University School of Law.



Kristine Hamann
Executive Director
Prosecutors' Center for Excellence

Kristine Hamann is the founder and Executive Director of Prosecutors' Center for Excellence (PCE). PCE provides consulting, assessments, publications, national meetings, independent case review and research services for prosecutors in offices of all sizes. PCE promotes best practices, spurs innovation and implements solutions on a wide variety of topics. Ms. Hamann chairs the National Best Practices Committee for prosecutors and the Best Practices Committee for the District Attorneys Association of the State of New York. She teaches a prosecutor practicum at Georgetown Law School. She is on the ABA Criminal Justice Journal Editorial Board and was a member of the ABA Criminal Justice Council. From 2013 to 2016, Kristine Hamann was a Visiting Fellow at the United States Department of Justice/Bureau of Justice Assistance pursuing best practices for prosecutors. From 2008 to 2013, Ms. Hamann was the Executive Assistant District Attorney for the Special Narcotics Prosecutor for the City of New York. From 2007 to 2008, Ms. Hamann was the New York State Inspector General. Prior to that Ms. Hamann served as the Executive Assistant DA to DA Robert Morgenthau in the Manhattan District Attorney's Office in New York City. Ms. Hamann held several other positions in that office including Deputy Chief of the Trial Division and Director of Training. She has received many awards for her public service, most recently the American Bar Association's Curtin-Maeling Minister of Justice Award (2024).



Related Materials





NYU WAGNER LABOR INITIATIVE

Materials about criminal prosecution
of wage theft and worker exploitation cases

Terri Gerstein, Director, NYU Wagner Labor Initiative
NYU Robert F. Wagner Graduate School of Public Service

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Materials about criminal prosecution of wage theft and worker exploitation cases

Compiled by Terri Gerstein, Director, NYU Wagner Labor Initiative

NYU Robert F. Wagner Graduate School of Public Service

May 16, 2024

Reports

Terri Gerstein, [How district attorneys and state attorneys general are fighting workplace abuses](#), Economic Policy Institute and Harvard Labor and Worklife Program, May 17, 2021. (QR Code at the end of materials)

[Protecting Workers: Wage Theft Enforcement for the Local Prosecutor](#), Institute for Innovation in Prosecution at John Jay College, July 2022.

Martha T. McCluskey et al., [Preventing Death and Injury on the Job: The Criminal Justice Alternative in State Law](#), Center for Progressive Reform, March 2016.

Law review articles:

Anthony Damelio, [Making Wage Theft Costly: District Attorneys and Attorneys General Enforcing Wage and Hour Law](#), 49 Fordham Urb. L.J. 109 (2021).

Terri Gerstein, [State and Local Workers' Rights Innovations: New Players, New Laws, New Methods of Enforcement](#), 65 St. Louis U. L.J. 45 (2001) (pp. 63-71 discuss prosecutors).

César F. Rosado Marzán, [Wage Theft as Crime: An Institutional View](#), 20 Journal of Law & Society 300 (2020).

Annie Smith, [The Underprosecution of Labor Trafficking](#), 72 S.C. L. Rev. 477 (2020)

Webinars

[Prosecutions of wage theft and other employer crimes](#), Economic Policy Institute, May 18, 2021.

[Economic Justice panel webinar](#), Travis County (TX) District Attorney's office, September 8, 2021.

[Criminal Enforcement of Environmental Violations 3: Workplace Safety Prosecutions](#), hosted by NYU State Energy and Environmental Impact Center, September 12, 2022.

[How prosecutors help fight workplace crimes and injustice](#), Prosecutors Center for Excellence, March 3, 2023.

[Protecting Workers: Wage Theft Enforcement for Prosecutors](#), Institute for Innovation for Prosecutors at John Jay College, January 31, 2024.

Op-eds and commentary

Diana Florence, [Defending workers is now life-and-death: What essential employees need in the coronavirus crisis](#), New York Daily News, April 5, 2020.

Terri Gerstein, [Prosecute Bad Bosses: More district attorneys are cracking down on abusive employers. It's about time.](#) Slate, March 21, 2023.

Terri Gerstein, [More states should follow new Colorado policy on wage theft](#), The Hill, May 30, 2019.

Terri Gerstein, [Stealing From Workers is a Crime. Why Don't More Prosecutors See It That Way?](#), The Nation, May 24, 2018

Lucy Lang, [Prosecutors should protect workers from white collar crime](#), City & State New York, April 14, 2020.

Nathan Newman, [Progressive Policing Requires a Well-Funded War on Corporate Crime](#), The American Prospect, February 2, 2021.

Helpful News Articles

<https://www.npr.org/2024/08/29/nx-s1-5074657/whats-being-done-to-help-protect-workers-from-trench-collapses>

**Economic
Policy
Institute**

How district attorneys and state attorneys general are fighting workplace abuses

An introduction to criminal prosecutions of wage theft and other employer crimes against workers

Report • By Terri Gerstein • May 17, 2021



CLE Credit and Survey



Instructions to Receive CLE Credit

Please Read Carefully

The Prosecutors' Center for Excellence has not requested continuing legal education accreditation for this program. Instead, we will supply you with a **Uniform Certificate of Attendance**. This certificate will include Prosecutors' Center for Excellence (PCE) as the sponsor, the title of this conference, the dates of this conference, the location of this conference as well as a calculation of the CLE Credit Hours under both a 60-minute and 50-minute hour system. We believe that these hours accurately reflect the CLE credit you should receive. However, each state has its own rules on the accrediting process which could affect this calculation.

At the end of each session, you will receive a conference evaluation. You will need to fill out the survey in order to receive the **Uniform Certificate of Attendance.**

As part of the meeting materials, PCE will supply you with this meeting's agenda, a description of the various content to be covered throughout this conference, as well as the names and biographies of the speakers.

You will need to apply for CLE credit on your own through your state's specific process. Most jurisdictions have this as an option. Some jurisdictions require members to apply and report within 30 days of the original program date. We hope that the **Uniform Certificate of Attendance** will aid you in this process.

Sign-In Sheets

To obtain CLE credit, most states require attendees to sign in at the time of the meeting. PCE will maintain a copy of the registration list as well as a record of who attended each session (present at start and end of each session) and send copies upon request.

Here are some specific sign-in rules from a variety of states. There will be no physical sign-in sheet, instead PCE will be taking time-stamped log of participants from zoom reports. If you need a copy of our records please contact PCE.

Delaware Attorneys: Delaware Attorneys and speakers seeking CLE credits must **sign in** at each individual session you attend.

Illinois Attorneys: Illinois Attorneys and speakers seeking CLE credits must **sign in** at each individual session you attend. The sign-in documentation is used to verify your total number of CLE hours.

New York Attorneys: New York Attorneys and speakers seeking CLE credits must **sign in** and **sign out** of each individual session you attend.

Pennsylvania Attorneys: Pennsylvania Attorneys must complete the Pennsylvania CLE Credit Request form to report attendance at in-person programs.

Texas Attorneys: Texas Attorneys must complete the Texas CLE Course Attendance Form to report attendance at in-person programs.



UNIFORM CERTIFICATE OF ATTENDANCE

SPONSOR: Prosecutors' Center for Excellence
ACTIVITY TITLE: PCE Pop-Up: How Prosecutors Help Fight Workplace Crimes and Injustice Part 2
DATE: September 16, 2024
LOCATION: Virtual Meeting
THIS PROGRAM OFFERS A TOTAL OF:

_____ Full Program: 2 hours of CLE Credit (not ethics), PENDING STATE APPROVAL. TO BE COMPLETED BY ATTORNEY

Please adhere to your state's requirements.

TO BE COMPLETED BY ATTORNEY (Please note: If you are required to report to more than one state, complete a form for each state.)

By signing below, I certify that I attended the activity described above and am entitled to claim _____ CLE credit hours of which ____ were in ethics.

ATTORNEY'S NAME *(please print)*

SIGNATURE

BAR MEMBERSHIP, REGISTRATION
OR SUPREME COURT NUMBER

DATE

STATE WHERE CREDITS ARE TO BE
REGISTERED

ACKNOWLEDGED BY:

Kristine Hamann

Kristine Hamann
Executive Director / Founder
Prosecutors' Center for Excellence
Phone: 917.885.9065

NOTE: PLEASE DO NOT RETURN THIS FORM TO PCE

Meeting Survey

The September 16, 2024 PCE Pop-Up, *How Prosecutors Help Fight Workplace Crimes and Injustice Part 2*, survey will be available at the end of the meeting. If you need proof of your survey for CLE credit please email PCE at contactpce@pceinc.org.

[Survey Link](#)

Questions about Survey:

Marissa D'Amore– mdamore@pceinc.org

Kristine Hamann- Khamann@pceinc.org



Thank you for participating!