

To Catch a Chicken

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Caitlin Esch: All right. We're on. So you're right handed?

Willie Easter: Yes, I'm right handed.

CE: And are you as well? (yes). You do the grabbing with your right hand?

Jimmy Nicks: I do. I grab em in my right hand and place them in my left. The majority of em.

Krissy Clark: That's Jimmy Nicks and Willie Easter, talking to Uncertain Hour senior producer Caitlin Esch.

Caitlin and I went down to Mississippi before the pandemic hit, to talk to them about the work they used to do.

KC: So you're carrying like 12 chickens on one hand? Yes.

CE: Were they alive or dead?

Willie: They are alive.

Caitlin Esch: Jimmy and Willie used to catch chickens for a living.

They'd go out to the farms where the chickens are raised, and they'd round them up, put them into cages. The cages would go on trucks, and the trucks would go to the slaughterhouse.

Krissy Clark: Catching chickens that don't want to be caught is harder than you might think. Catchers have to move quickly, so some of them actually grab two birds at a time.

Willie: Some guys catch by twos, some by one. I know Jimmy caught by twos.

Jimmy: Twos and threes.

Willie: Yeah, I know Jimmy always caught by twos and threes.

Krissy Clark: Jimmy can hold up to seven big birds at a time. Or twelve small ones. A bird or two between each free finger dangling upside down. By the leg.

In one night each catcher scoops up thousands of birds. And they have the scars and calluses to prove it.

Willie: See the callus is going to come right in here and right between there and come right between your knuckles.

Caitlin Esch: This work can wreck a person's hands.

It's been a few years since Willie caught a chicken, but one of his hands is still bigger than the other, like he's wearing a glove.

Their knuckles are swollen like knots on a rope.

Jimmy: They got all blister up and stuff and they swell.

Krissy Clark: They swap tips on how to care for their hands.

Jimmy: Personally I bleach mine. It'll soften up for a minute then, they harden up, You have that layer of skin. Right.

Krissy Clark: Bleach, Jimmy says, makes your hands less sensitive over time. Willie likes epsom salts.

Krissy Clark: And, some people turn to other remedies.

Willie: Lotta guys urinate on their hands, all that. That don't work good.

Jimmy: (laughter) They say it work but I never tried it.

Willie: I tried it, but uh uh.

Krissy Clark: In case you didn't catch that...urinate on your hands.

Willie says some people swear by it, to relieve swelling and tenderness

Willie: Urinate on your fingers. (laughter) that's rough. But back then you try anything, trying to get the pain, ease the pain, it doesn't matter So it sounds crazy but you know.

Jimmy: You want to get well. So you could go back to work.

Caitlin Esch: Jimmy and Willie caught chickens for many years. One of the companies they caught for was Koch Foods, one of the largest poultry companies in the country.

Krissy Clark: One day, a little over a decade ago, something unusual happened. After a long shift, Jimmy remembers, the crew boarded the van

Instead of taking the crew home like the van normally did, it headed to one of the plant's offices.

Jimmy: They told us on the van we were going to go to a meeting. And at that point, it was whispering about what it was about.

Caitlin Esch: Jimmy had no idea what was coming.

The van arrived at the office. The crew filed off of the van.

Waiting for them, Jimmy recalls, was a man who was not dirty from catching chickens, wearing dress pants and a Sunday shirt. A boss from Koch Foods.

Jimmy: And that's when they told us that they were going to contractors. They were letting contractors handle that part, the catching part.

Caitlin Esch: Koch was going to subcontract out the chicken catching...immediately. And Jimmy and Willie's lives were about to change.

Krissy Clark: Welcome to The Uncertain Hour. I'm Krissy Clark.

Caitlin Esch: And I'm Caitlin Esch.

Krissy Clark: This season is all about This Thing We Used To Call Employment...What happened to it...And why it matters.

We're looking at how companies can get around providing basic workplace protections, like health benefits, sick days, minimum wage.

We talked in earlier episodes about janitorial companies that rely on independent contractors. Today, we're gonna talk about another way companies can structure their businesses so that their workers are not their employees.

Caitlin Esch: Listeners of the show might remember, we dropped in on poultry workers last season to see how they're weathering the pandemic.

Krissy Clark: But we'd been talking to poultry workers before the pandemic started, talking to them about how companies use subcontracting to make the workers somebody else's responsibility, and about what that means for those workers.

Caitlin's gonna take it from here.

Caitlin Esch: Jimmy Nicks was 17 years old, a senior in high school, when he got his first poultry job.

Jimmy: My first job was hanging chickens on the back dock at the chicken plant.

Caitlin Esch: Jimmy would grab live chickens as they came around on a conveyor belt and hang them upside down.

Jimmy: Hang em on the shackle, both legs on the shackle.

Caitlin Esch: Careful not to break the leg, or a wing.

From there, the chickens would go to the kill room, where they're decapitated. Then on to plucking and gutting.

Back then, Jimmy never thought he'd end up working as a chicken catcher.

Jimmy: When I was young, I used to watch my brother, friends and cousins, whatever, catch chickens. And when they come in, the smell, the stench on em, and the dirt and the filth, you know. And I would say, I would never do their job.

But then, later on in the latter years, I noticed how much money they were bringing home and I said I'm gonna try this you know. I mean, so I got out there and I tried it. Not that I liked it, but I liked the money.

Caitlin Esch: Jimmy thought the money back then was pretty good.

Jimmy: There was a time, we start catching, chicken catching for the plants. We were getting paid like \$10 per load and that was pretty good. That was pretty good because a lot of time we caught 12 to 15 loads per day, you know. You making pretty good money then.

Jimmy was paid by the load, not by the hour. At \$10 a load, he says he could make between \$100 to \$150 per shift. So if you do the math, for 8 hours catching chickens he could make at least around \$12 an hour. That's not including traveling to the farm, or putting on gear, or anything else.

That was more than he could make working a lot of other jobs in the area.

In Scott County, Mississippi, where Jimmy lives, about 20 percent of families were living in poverty in 2019. That's about twice the national average. Poultry is the economic engine of the area. Thousands of people work in food processing.

When Jimmy started out, he worked directly for the chicken plant - Koch Foods.

As an employee of the poultry company, Jimmy says he got health insurance and benefits too.

Jimmy: Paid sick days, so many paid sick days. You could even take a leave of absence. You know, we have personal problems and family problems or something going on, you can have a leave of absence. You got dental insurance, hospital insurance, life insurance. And see everybody needs all this. Anything can happen at any given time.

Caitlin Esch: So Jimmy was glad to have the job, even though catching chickens is really grueling.

Chicken catching often happens at night. Chickens don't move around as much in the dark as they do in the light. They're much calmer.

So late at night or early in the morning, a van would pick up all the guys at their homes.

Jimmy: OK, after they pick up everybody then we stop by a certain store and get all the supplies and whatever else we need.

Caitlin Esch: Gas up the van. Get snacks and maybe some protective gear, like masks or gloves, and then drive out to the farm. The whole pick-up process can take up to two hours.

When you finally get to the farm --

Jimmy: You got somebody to go in to get them off, stir em off the wall, where they won't pile up.

Caitlin Esch: Someone goes into the chicken house, which are long buildings, longer than a football field, to "stir the chickens" - basically, keep them moving while the loader or the forklift comes in.

Jimmy: When the loader comes in, they can't stand a lot of noise and you know, when a loader comes in with the noise they, they'll run to the wall. If you don't constantly keep em stirred, they'll pile up and die. And you know, they'll smother in seconds.

Caitlin Esch: Chickens can easily smother this way, by stampeding each other and piling up.

The birds are supposed to arrive at the slaughterhouse alive and undamaged - no broken wings or anything.

Jimmy worked on a crew of about 9 people. One guy would "stir" and the others would fan out across the chicken house and grab up birds.

I wasn't allowed into the chicken houses, but I've seen videos on YouTube.

The birds flap desperately as they try to get away. The catchers work as fast as they can, grabbing chickens, flinging them into cages.

Jimmy says the catchers have to sign "animal cruelty" papers agreeing not to harm the birds before they're slaughtered. But it's hard to be gentle when you're moving so fast.

Jimmy took pride in the work. He was good at it and he earned a nickname

Jimmy: Personally, call me Quick Nick sometime. (laughs)

Caitlin Esch: "Quick" because he was so fast at grabbing chickens. And "Nick" because his last name is Nicks.

So the money wasn't bad and the benefits were decent, but like I said, the work is really hard. It's difficult. It's filthy.

Jimmy: You, you handling chickens live, they peck you, they crap on you, the chicken might even squirt in your mouth if you don't watch it (laughter).

Jimmy: Some of us even swallow poop, cause you know, you're working with your mouth open to breathe, trying to breathe. And all of a sudden he shoots it in ya, it's sad to say but it happens to some people now. This is the stuff that chicken catchers have to go through.

Caitlin Esch: Chicken poop releases ammonia when it breaks down, which can irritate your eyes and your lungs.

Jimmy: You can hardly breathe. Almost to a point of passing out. They expect you to keep going and you can't just walk out and say the ammonia too strong.

Caitlin Esch: The dust mixed with sweat is so irritating that some catchers apply something like baby oil or vaseline, and then roll stockings over their limbs to protect from chafing.

Jimmy: There's been times, you see how dark my skin is, right? Is been time that I've gotten out work and I look as light as you are because of the dust, you know, really. You're totally covered with dust, your hair, your clothes. Some of em, you can't tell the actual color of em. You know, just think now, what this is, sticking to you and your clothes and your hair, it's sticking to your lungs also.

Caitlin Esch: Jimmy says catching chickens requires a certain steely resolve. You have to have your mind made up. You're gonna do it. A lotta strong people don't last a week.

Jimmy: It's not just a physical thing. It's a mental thing too. I was out there one night. It was 11 degrees and we caught chickens. 11 degrees. It's ice, you get off the van, you liable to fall and bust your butt right there. You know, ice all over the ground, but, rain sleet or snow, we got to go.

Caitlin Esch: And at the end of the shift the van takes the guys home.

Except that, like we said, one day, the van didn't go home. It took the workers to a building, where they were taken to an office. That moment when everything changed for Jimmy.

The boss told the crew that chicken catching was going to be subcontracted out to independent companies.

Jimmy: And we had the option of either continue catching with them, or go to the plant. And if we go to the plant you got benefits, still got a benefit. But, if we continue to catch for the contractors, no benefits at all.

Caitlin Esch: Continue to catch for the subcontractors, no benefits, or take a different job at the plant and keep your benefits.

The guy in the clean clothes didn't tell the workers why the company was doing this. But the chicken catchers figured the company was trying to save money.

Jimmy says they were given less than a day to decide.

Jimmy: Only overnight. That's the only time. When we got off, had to make the decision between then and and plant starting time, which was 7:00 that morning.

Caitlin Esch: I just wanna pause here and say Koch is not the only company to contract out chicken catching. It's pretty standard in the industry.

We talked to an undocumented chicken catcher in Alabama. We'll call him Luis. We're not using his real name, because he's worried about retaliation.

He caught chickens for seven years, working directly for a different major chicken company, and his experiences are really similar to Jimmy and Willie's.

He was paid decently. Earned overtime. He got health insurance, paid vacation. He says it was a good job. It afforded him a decent life.

Then one Friday, after a full week of catching chickens, Luis and the crew were told they should report to work the next day, Saturday, to work overtime. Luis likes earning overtime, so he was happy about that.

The next morning, the crew showed up to work. But they never did catch any chickens.

This part will sound familiar: Luis' crew was told that they would no longer be working for the big chicken company.

The catching crew was going to be subcontracted out.

But don't worry, the bosses said. You can work for the subcontractors.

Luis was devastated. He knew what this meant. He'd seen it happen to other crews. He knew his pay was about to drop. He knew he'd lose benefits.

He went home to tell his fiancée.

Maria, also not her real name, remembers this moment like it was yesterday. Luis came home early in the morning, just a few hours after his shift *started*.

Maria: I remember I was still in bed. I was still sleeping. I hear a noise. And he say, well, I'm no longer employed. And I say, what do you mean?

Caitlin Esch: Maria and Luis had just started living together. Were planning on getting married, and planning their future.

Maria: I laughing and I remember, I see his face and I asking in his face, are you kidding me? That's for real? What do you mean, youre not working for the main company? You're working for the contractor. That means you lose the benefits? And he say yes, honey. Yes, that's exactly what I mean. No more medical insurance, no more vacation pay, no more sick pay. And I'm like, uh...

Maria: I'm like no no no no, that can't happen. You have a job. You are a working man. Right? You kidding. He say no.

Caitlin Esch: Maria was stunned.

Maria: We in America, how can this company do that to the workers? Especially if they're good workers. Big company making big money. Sounds unreal for me.

Caitlin Esch: Subcontractors are supposed to follow the same laws as the bigger companies. They're supposed to pay minimum wage and overtime. But they tend to be small businesses with fewer resources. So they may not offer the same benefits.

Luis ended up taking the job with the subcontractor. He says his pay fell by more than 50 percent.

But Jimmy Nicks didn't want to lose his benefits. Remember, he was given a choice between catching for the subcontractor and taking a job at the plant.

Jimmy: So I said I'm gonna try the plant.

Caitlin Esch: His new job at the processing plant was physically hard. He had to carry heavy loads weighing 40 to 50 pounds and he struggled to complete the work.

Jimmy: And you sort of get frustrating when you're doing something that's not right and especially when you're used to doing the best you can do on the job ... and then, you do this is like man. What am I doing? I don't want to be thought of as a weakling.

Caitlin Esch: He worked in the plant a little less than 2 months before asking for his old job back.

Jimmy: You know, Some people used to doing a certain thing for so many years. That's the only thing you've been doing, that's the only thing you don't actually want to do really you know, so, I went back to catching.

Caitlin Esch: Back to catching. Only this time, there was a subcontractor in the mix. Jimmy seemed to have two bosses ...

Jimmy: How should I say it is to make it right? You're not working directly under Kochs or whatever, you working for 'em but indirectly. But still, Koch is in control if that makes any sense.

Caitlin Esch: This question - Who's the boss? Who's in control? - would end up being really important later on. But at the time it was just kind of confusing.

When that first pay day rolled around, Jimmy saw the benefits weren't the only thing that had changed. The pay changed too.

Working for Koch, Jimmy had been making \$100 to \$150 a shift. Working for the contractor, he was making about \$60.

Jimmy: It's not even half as much now. I mean, you just barely make it. You got to do something on the side, you know? You gotta mechanic or carpenter or rob, or steal or something. That's something that I wouldn't advise (laughter) I'm just saying. Some people are driven to do things that they don't want to do.

Caitlin Esch: So the pay changed. The benefits changed. The sick days and vacation days, those went away.

What didn't change was the actual work.

Jimmy: You catching same number of chickens, the only difference is you might be working a little faster. To work a little faster with contractors and more hard on us. It is more wear and tear on the body actually, and the mind, trying to keep up.

Caitlin Esch: Jimmy says the catchers weren't paid for "wait time" for the hours spent working but not catching chickens. Time spent riding in the van, going out to the farm, putting on gear...even waiting on the equipment when it broke down.

Jimmy: I remember a time when the van quit and we sit there and had to wait on somebody else to come pick us up. But the people who wanted to come pick us up, they were on the job and miles and miles away. So we sit there for hours. We don't get paid for that.

Caitlin Esch: This wasn't new under the subcontractors but Jimmy hadn't minded so much, before, when he was working directly for the company because he made enough when he was catching chickens to make up for it. Under the subcontractor, he didn't.

Jimmy says sometimes the pay came out to less than minimum wage.

I wanna talk for a minute about minimum wage.

In Mississippi, there's no *state* minimum wage law, but employers have to pay at least the minimum wage set by *federal* law, which is \$7.25 an hour. Hasn't gone up since 2009.

And even though the chicken catchers are paid a piece rate — that is, they're not paid by the hour, but rather by how many thousands of chickens they catch in a night — it still has to even out to at least minimum wage. And if they work overtime, they're still supposed to get time and a half based on average earnings.

If employers don't do this, they can be sued or fined up to \$1,000 per violation.

There's a whole unit within the Department of Labor called the Wage And Hour Division that's supposed to investigate claims.

But the chance of a workplace will be investigated is pretty slim. As of recently, there were only about 1,000 federal inspectors. And they're supposed to be keeping tabs on more than 7 million workplaces.

Jimmy would try to keep track of how many thousands of chickens the crew caught and how many hours he worked. But his pay rarely came out to what he thought it should be

Jimmy: You ain't getting paid for something, something's not right when it happens over and over and over.

You know, that's the thing. I would like for them to recognize us for what we are worth and make us feel like, "Yeah, I'm going to work tonight and I want to get, I wanna get on that van, I'ma jump up and go!", you know? Instead of waking up, "Dang there's the van out there." You know, you don't want to feel like that. You want to feel like you are anxious to go out there to make good money. "Shoot, I might make 130 tonight, or you know, I might make 140. You anxious to go and see what you gonna make. But the way it is, you don't want to go because you know you not even gonna make a hundred dollars. When you on a job, you supposed to wanna go to that job. But catching chickens, you got to make yourself want to.

Caitlin Esch: Jimmy says it seemed like everybody was making money except the catchers. The chicken company, the subcontractors...meanwhile he was barely getting by.

Jimmy: It's no good. I'm just gonna put it like that, it's no good. It's not for the workers at all. It's not for the workers. It's just for the contractors themselves, and the plants. You know in the chicken business, it's for the contractors, they making the money, and the plants are spending less money. You know, that's the way it is.

Caitlin Esch: Jimmy figured the company subcontracted out the chicken catching to save money.

But there are other reasons poultry companies outsource and subcontract. The catchers may have gotten caught up in some much larger changes.

That's after the break.

((BREAK))

Caitlin Esch: Outsourcing and subcontracting are not new ideas. It's been happening for many decades. Across industries.

David Weil: It's extensive. It tends to affect more often low-paid workers, very often Black, Latinx, immigrant workers.

Caitlin Esch: David Weil is a professor and a Dean at the Heller School for Social Policy and Management at Brandeis University. He used to lead the Department of Labor's Wage and Hour Division under the Obama administration.

Quick story about David: years before he came to lead the Wage and Hour Division, he had this moment of discovery.

Weil: My aha moment.

Caitlin Esch: His aha moment.

What happened was, he got funding to do a study looking at why some companies fail to follow labor laws and how the DoL could investigate them more effectively.

Weil: I started seeing these patterns of noncompliance.

Caitlin Esch: Like companies not paying minimum wage and overtime. And it was happening in a certain kind of work place

Weil: Where you had the increasing use of third party management companies or staffing agencies or temp firms.

Caitlin Esch: He coined a term for this fractured kind of work arrangement where people don't work directly for the companies that need their labor. He called it "fissuring".

He took the term from geology — he says it's "like a rock with a fracture that deepens and spreads with time."

David wrote a whole book about it called "The Fissured Workplace." He's one of the biggest experts on this topic.

As we learned from Jimmy and Willie and Luis, when the subcontractors came in, their wages went down.

David has seen the same thing happen to other workers across industries.

David Weil: The reason that workers earn less money in a subcontracted relationship is, they are being paid by a subcontractor who is trying to get a margin, is trying to pay the workforce and also get some kind of level of profitability. The amount they're being paid is very often dictated by competition with a bunch of other subcontractors, so that if they don't get the work, someone else is going to take that job.

Caitlin Esch: David says it's not that subcontracting is inherently bad.

Some jobs require specialization. A subcontractor might have expertise that another company doesn't. Or it might have really expensive equipment that the other company doesn't want to invest in.

A construction company, for example, is probably not going to hire a permanent electrician for a job that takes a week.

But it's a problem, David says, when a job that used to be done internally — a job that is central to a company's business — is suddenly outsourced, and the work largely stays the same.

David Weil: And that's where you go from legitimate subcontracting. That's the part of, you know, any industry to the kind of really problematic subcontracting that's really a mechanism to get around the kinds of rights and responsibilities we've decided are important as a society through our laws.

Caitlin Esch: David says when he was at the Department of Labor, he saw a lot of wage and hour violations in the poultry industry, including in chicken catching, in part because the industry is so fissured.

That fissuring, David says, is for several reasons. For one, the business theories we talked about last episode that encouraged companies to focus on "core competencies", leading some to outsource everything else.

Also, subcontracting helps companies avoid unionization efforts and shed legal responsibility for workers, particularly in industries like chicken that rely on undocumented immigrant workers.

It's hard to know exactly why the company Jimmy caught chickens for -- Koch Foods -- decided to subcontract out its catch crews. But it happened shortly after Koch had gotten into some trouble for the way it was treating its employees.

The Department of Labor investigated Koch's Mississippi operation in 2006-07 - so before it subcontracted out all of its catchers. And it found that Koch owed 174 catchers that it employed more than a total of \$325,000 in overtime. Koch had apparently not been paying the catchers time and a half when they worked more than 40 hours a week.

After that, Koch subcontracted out all of its catch crews to third party companies.

We of course wanted to talk to Koch to ask if that decision was made to avoid problems with the Department of Labor. Or was it because the company wanted to save money? Or was there some other reason? But Koch wouldn't give us an interview.

In court documents, Koch denied the decision had anything to do with dodging legal responsibilities. I'll tell you about that court case later on, by the way.

The reason Koch gave was that it needed help finding workers.

One Koch manager said in a deposition, they decided to subcontract out 100% of the catching around 2012 because quote: "we were having trouble getting labor to catch the birds."

So, trouble finding labor was one reason poultry companies began to use subcontractors. But they may have had some other reasons to want to shed employees too.

It's illuminating to look at what was happening when outsourcing really started accelerating, more than 30 years ago.

And that reporting took me on a bit of a journey to understand more about why companies started using subcontractors in the first place, and why subcontractors would take on the responsibility of those workers too.

Ronald Reagan (archival): I'm very pleased that you could all be here today.

In 1986, Congress passed - and President Reagan signed - the Immigration Reform and Control Act.

Ronald Reagan (archival): This bill, the Immigration Reform and Control Act of 1986 that I'll sign in a few minutes

People call it IRCA.

Ronald Reagan (archival): It's the product of one of the longest and most difficult legislative undertakings in the last 3 congresses.

Reagan wasn't kidding. It took more than 5 years for the final version of the bill to get through all the hoops. It was known in Congress as "the corpse that would not die"

Ronald Reagan (archival): It's an excellent example of a truly successful bipartisan effort

Caitlin Esch: The IRCA was a compromise between those who wanted amnesty for undocumented immigrants and those who wanted to come down hard and stop unauthorized immigration altogether.

So IRCA granted a one-time only amnesty to about 3 million immigrants.

It also beefed up border security and made it illegal for employers to “knowingly hire” undocumented workers.

Employers that did would face fines and sanctions.

Angela: And one way that employers have gotten around IRCA or have tried to get around IRCA is by outsourcing that sort of H.R. personnel piece of hiring to third party contractors.

Caitlin Esch: Angela Steusse is an anthropologist at the University of North Carolina, Chapel Hill. She spent a lot of time with chicken plant workers in the 2000s. She wrote a book about her experiences there called “Scratching out a Living.”

Angela says IRCA led to a couple of big consequences: it created a market for fraudulent documents, and it led to a boom in subcontracting, as companies that relied on undocumented workers tried to distance themselves from those workers.

Angela: The idea is that they're insulating themselves from any legal accountability or for having hired those undocumented workers.

Those big consequences of IRCA - that market for fraudulent documents & subcontracted workers - you might remember how they played out a couple of summers ago, in 2019.

That's when several chicken plants in Central Mississippi, including Koch Foods, were raided by federal agents from the Department of Homeland Security.

680 immigrant workers were caught up in the sweep.

We visited another one of the plants that was raided, called A&B Inc., in a rural town one county over from Koch Foods - next to a big field full of cows.

Caitlin Esch: There's a padlock on the door.

Caitlin Esch: It was eerily quiet.

Caitlin Esch: Oh wow...it just looks like an office that's been left. It's a bit of a mess.

Caitlin Esch: ICE agents detained so many of A&B's workers, the plant actually had to close.

A&B turned around and blamed its labor broker, a small company called Southern Knights.

According to court documents, Southern Knights had a contract with A&B. It was supposed to staff, manage and supervise employees at A&B's plant in exchange for a 15 percent service fee.

A&B sued Southern Knights for breach of contract, arguing that the labor broker “falsely and knowingly” misrepresented that employees had been fully screened and were eligible to work, and it ended up costing the company a lot of money.

We reached out to A&B through its lawyer. The company declined to comment.

I really wanted to talk to the owner of Southern Knights. Southern Knights has been sued by workers in another poultry plant in the past, alleging wage violations and sexual harassment on the job.

I wanted to ask the owner why she would take on risk that other, bigger companies might want to avoid? Are some subcontractors taking advantage of vulnerable workers? Or were they just struggling businesses trying to do their best?

The owner didn't seem to have an office.

So we stopped by her one-story house in a modest neighborhood on the Gulf Coast of Mississippi.

Ben: That's 138 right there.

CE: Oh, I just walked by 134.

Caitlin Esch: Me and our video producer Ben.

CE: Hi. My name is Caitlin.

Caitlin Esch: She was nice. Said she had to check with her lawyer before talking to us.

We followed up, but we never heard from her again.

Months later, she was charged with 3 felonies for: “harboring” an undocumented immigrant, making false statements, and causing false quarterly wage reports to be filed using fake social security numbers.

Judge: Do you understand what you're charged with?

Iris: Yes ma'am.

Caitlin Esch: If convicted, she faces up to \$750,000 in fines and 20 years in prison.

Judge: Do you understand the penalties?

Iris: Yes ma'am.

At her arraignment last summer, she pleaded not guilty.

Judge: As to each of the counts, how do you plead?

Iris: Not guilty.

A manager at the plant was also charged. Along with dozens of workers from A&B and from the other chicken plants that were raided.

It's worth pointing out, no executives from A&B face charges.

CE: Oh Summit. Summit, Mississippi.

Caitlin Esch: I had struck out with Southern Knights. So we went on a little road trip, winding up from the coast to the flat, wintry, gray landscape of Central Mississippi, to where the chicken plants are.

CE: We're crossing train tracks. Oh look, there's a pig.

Caitlin Esch: We dropped by the businesses - and sometimes the homes - of subcontractors in rural small towns.

Modest operations. For the most part.

CE: Nobody home. On to the next.

And sometimes, there were dogs.

CE: Five dogs, five huge dogs.

Ben: One two three four...

CE: Are you afraid of dogs?

Ben: No I'm not afraid of dogs. But they're like surrounding us.

Caitlin Esch: We found Jimmy's employer, Jet.

CE: Where's the front door?

Ben: This way ...

Caitlin Esch: But the owner wouldn't talk to us on the record. None of the subcontractors would.

So I never got to ask why subcontractors do what they do. If big companies are trying to shed responsibility for workers, why would these little companies agree to take on that responsibility - along with all the risk.

David Weil: Well, very often because it's important for their economic survival. And that's not to excuse violation of the law, but it certainly explains it.

Caitlin Esch: That's David Weil again.

He says subcontractors tend to be small businesses often operating with tight margins.

David Weil: Because they are economically, you know, really on the edge to begin with, you frequently find those subcontractors going out of business, either going out of business or if they are found in violation, they shut down under one name and then they reconstitute themselves as a new business with the new name shortly after.

Caitlin Esch: The owner of Jet is connected with more than a dozen other businesses. Many are in poultry. And many have been dissolved.

Jimmy Nicks has worked for a few of them. He says the conditions were pretty consistent.

Krissy Clark: And so what did happen to Jimmy Nicks? After decades catching chickens, he decided he'd finally had enough.

Jimmy: And the point is, we're trying to make them do better and treat us better too. And pay us for what we are worth. And for the time lost, wait time, overtime, which is all basically the same -- we wanna get paid.

Krissy Clark: Next week, the story of how the chicken catchers fought back.

That's it for this episode of The Uncertain Hour. Thanks for listening.

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