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# Tom Cat Bakery Tells Employees To Prove They're Not Undocumented Or They're Fired

BY NICK PINTO

WEDNESDAY, MARCH 22, 2017 AT 7:02 P.M.



Tom Cat Bakery employees marched through Queens to the bakery yesterday after the company demanded proof they were legal residents.

Nick Pinto



Last Wednesday, employees at **Tom Cat Bakery**, the industrial-scale provider of high-end breads and baked goods to restaurants and hotels throughout the region, received a letter from the company's payroll administrator: "Tom Cat bakery has been audited by the Department of Homeland Security," the letter stated. "After an ongoing audit, it was brought to our attention that documents you provided at the time of hiring in form I-9 does not currently authorize you to work in the United States." Employees had 10 days to prove that they have the proper documentation to legally work in the country. The letter didn't specify what would happen if they were unable to, but the implication was that they would be fired.

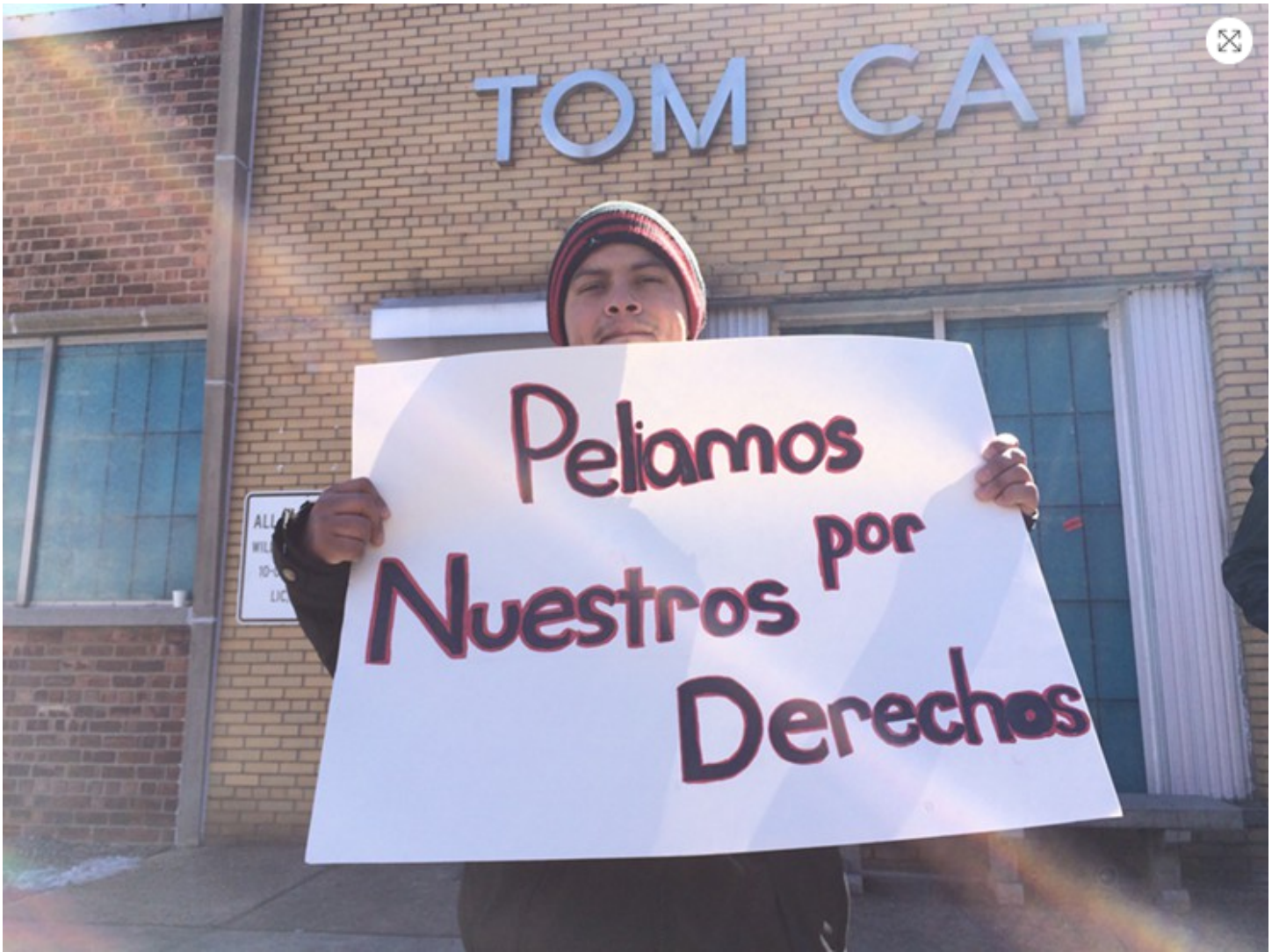
For the workers, many of whom are undocumented, the news came as a slap in the face. "After hearing this news we couldn't believe it," said Josias D'Avilla, a Peruvian immigrant who has worked for Tom Cat for ten years. D'Avilla and some of his colleagues picketed outside Tom Cat's Long Island City headquarters on Tuesday morning. "We've given so many years to the company, so many sacrifices that made this company go. We picked up this company from the ground as workers, with so many years that we gave to this company with our lives."

*advertisement*



Tomcat was founded in a garage by baker Noel Labat-Comess in 1987, but soon grew quickly. Today the company fills an entire city block in Long Island City, and boasts of delivering over 400 varieties of bread and baked goods to customers as far as 150 miles away, and distributes frozen baked products all around the country. Labat-Comess sold Tom Cat to a pair of private equity companies in 2008. Last year, those companies sold the company that owns Tom Cat, **Bakewise Brands**, to **Yamakazi**, the largest baked-goods company in Japan.

In 2012, employees of Tom Cat won a hard-fought campaign to organize through **Brandworkers**, a workers' center originally started with help from the Industrial Workers of the World. When news of the letter came down last week, they determined to organize and resist.



Henry Rivera, who has worked for Tom Cat for 11 years.

Nick Pinto

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Some believe that management's hand is being forced by an ICE audit, while others are skeptical. "I think the company has brought this forward," said Henry Rivera, 29, who came to the United States from Honduras in 2005 and has worked in Tom Cat's packing department for 11 years. "We haven't seen any government seals so far, all we've seen is the letter. The company changed ownership last year, and we believe that maybe the new administration is trying to take advantage of a new political climate."

In an email, James Rath, the Vice President and General Manager of Tom Cat, said there was "nothing to report. We are in the middle of a standard HSI [Homeland Security Investigation] documentation audit."

Requests for comment sent to Tom Cat's parent company, Bakewise Brands, by phone and email did not receive a response.

"We have been making continuous efforts to get the employers to share more details with us," said Carmela Huang, an attorney with the Community Development Project of the Urban Justice Center who is assisting the Tom Cat workers. "Despite all our efforts, they have refused to engage with us." Noel Labat-Comess, who founded and sold the bakery, declined to comment. Calls and emails to Immigration and Customs Enforcement's New York office also went unanswered by before this was published.

City Council Member Mark Levine addressed the workers, urging the Tom Cat to stand by its workers and offer them work-visa sponsorship to allow them to continue to stay. "We reject the racist policies of Donald Trump's ICE, which have targeted decent hard-working New Yorkers who have done nothing but contribute to this community, contribute to this economy and made our city and country a better place," Levine said. "There is no justification for targeting these workers. The targeting of these workers by ICE runs contrary to our values as New Yorkers, contrary to our values as Americans, and contrary to our interests."

Here's a copy of the letter worker's received last week:



March 15, 2017

[Redacted]

This letter will serve as verification that your employer Tom Cat Bakery has been audited by the Department of Homeland Security. After an ongoing audit, it was brought to our attention that documents you provided at the time of hiring in form I-9, does not currently authorize you to work in the United States. As of today, March 16, 2017 you have ten (10) business days to provide us with documentation, other than the documentation previously submitted to us, proving your eligibility to work in the United States.

Unless you present us with valid identification and employment eligibility documentation acceptable for completing the form I-9, you are considered by the Homeland Security Investigations to be unauthorized to work in the United States.

*Esta carta servirá como verificación de que su empleador Tom Cat Bakery ha sido auditado por el Departamento de Seguridad Nacional. Después de una auditoría en curso, hemos sido notificados que los documentos proporcionados en el momento de contratación en el formulario I-9, no le autoriza actualmente a trabajar en los Estados Unidos. A partir del día de Marzo 16, 2017 usted tiene diez (10) días laborables para proporcionarnos documentación, que no sea la documentación previamente entregada a nosotros, que muestre su elegibilidad para trabajar en los Estados Unidos.*

*A menos que usted no nos presente con la documentación válida de identificación y elegibilidad de empleo aceptable para completar el formulario I-9, Homeland Security Investigations consideran que no está autorizado/a a trabajar en los Estados Unidos.*

Should you have any questions concerning this, please feel free to contact me.  
*Si tiene alguna pregunta sobre esto, no dude en ponerse en contacto conmigo.*

Sincerely,

Yanelys Ureña  
Payroll Administrator- Administradora de Nomina

[Redacted signature]

Employee signature

3/16/17

Date

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