



Written Testimony of Janet Caldero
Before the Subcommittee on the Constitution, Civil Rights, and Civil Liberties
of the Committee on the Judiciary
U.S. House of Representatives
Oversight Hearing on the Employment Section of the Civil Rights Division of the U.S.
Department of Justice
September 25, 2007

Good morning. I'd like to thank Chairman Conyers, Chairman Nadler, and Ranking Member Franks for giving me an opportunity to testify today.

My name is Janet Caldero, and I work as a custodian in a public school in Queens. In New York City, Custodians are the building managers for public schools. We hire our own staff and manage our own budgets. These are good-paying supervisory jobs with civil service protections, and I am proud to do the work I do. I am especially proud to be one of the very few women in New York City doing this work. I am here today on their behalf, and one of the other female custodians has taken the time to be here with me today.

Before I became a Custodian, I had worked in public schools for many years as a secretary and then a handyman. At that time I knew of exactly one woman custodian. In a workforce of close to 900, there were fewer than ten women holding these jobs. It was hard to break in and learn how to get the job if you were an outsider.

In 1992, I was hired as a provisional Custodian. Being provisional means that you have no job security. Many of the women and minorities who worked as Custodians back then were hired provisionally. When I was hired, I was a single mom with two teenagers at home. This was a job I needed and a job that I worked hard at.

It was about the time I was hired that the Justice Department began to investigate the New York City Board of Education's hiring practices for Custodians. In 1996, after several years of investigation, the Justice Department sued the Board of Education. The lawsuit alleged the Board's hiring practices discriminated against women and minorities. While the case was in court, I talked to attorneys for the Justice Department many times, as did several of the other women and minorities who were working provisionally. I understood the Justice Department attorneys to be working on my behalf and on behalf of other women like me who were working hard to succeed in a place where a lot of our male colleagues thought we didn't belong. I thought of them as my attorneys.

In about 2000, I learned that the Justice Department and the Board of Ed had settled the lawsuit, and the Board of Ed had agreed to extend permanent employment and retroactive seniority to women and minorities who had been hired provisionally. As a result, those of us on the job were more visible, and I think this sent a message to other women and minorities that they could do this work too.

After these benefits were awarded, a group of white male custodians objected and argued that the settlement discriminated against them as white men.

Then, in 2002, long after the Justice Department had signed the settlement, I got a call from an American Civil Liberties Union lawyer. She told me that the Justice Department had changed its position and was no longer defending parts of the settlement in the face of the white male custodians' attacks, including the awards to me and most of the other female beneficiaries. I didn't believe her. I had heard nothing from the Justice Department.

I immediately called the attorney at the Justice Department whom I had worked with before. But instead I was transferred to someone I had never heard of. I asked him whether it was true that the Justice Department was no longer defending my interests. He said the Justice Department was continuing to defend the settlement.

The attorney from the ACLU sent me a brief the Justice Department had filed in court that listed the names of the beneficiaries it was still defending. Fewer than half of us were on that list. I wasn't on it. When I again called the new Justice Department lawyer, he refused to answer any of my questions.

The ACLU then entered the case, representing me and more than 20 other beneficiaries whom the Justice Department had abandoned. Since 2002, the Justice Department has argued that the awards it won for us discriminate against white men, who still make up the vast majority of New York City school custodians. We have had to live with the possibility that we might lose our seniority and have our salaries reduced. If this happened to me, for instance, I would have to sell my home. Those who received

permanent employment have worried about losing their jobs.

Last year, the trial court ruled against the Justice Department in large part. But this fight isn't over. The Justice Department and the white male custodians will almost certainly appeal and so our uncertainty on the job continues.

I don't fully understand the legal issues in this case. But I do know that it's hard to be a woman Custodian because too many people feel women can't do the job. The Justice Department came to me saying that the United States government wanted to change this. I trusted the Justice Department, and then it betrayed and abandoned me and many others. This was unjust and unfair and I hope that no one else ever has to go through this experience. The Justice Department needs to honor its commitments. I also believe that it should spend its energy fighting on behalf of people like me—women and minorities trying to succeed in jobs they have long been denied.