

Wal-Mart Stores Locked In Night Shift Workers with No Key

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Looking back to that night, Michael Rodriguez still has trouble believing the situation he faced when he was stocking shelves on the overnight shift at the Sam's Club in Corpus Christi, Texas.

It was 3 a.m., Mr. Rodriguez recalled, some heavy machinery had just smashed into his ankle, and he had no idea how he would get to the hospital.

The Sam's Club, a Wal • Mart subsidiary, had locked its overnight workers in, as it always did, to keep robbers out and, as some managers say, to prevent employee theft. As usual, there was no manager with a key to let Mr. Rodriguez out. The fire exit, he said, was hardly an option — management had drummed into the overnight workers that if they ever used that exit for anything but a fire, they would lose their jobs.

"My ankle was crushed," Mr. Rodriguez said, explaining he had been struck by an electronic cart driven by an employee moving stacks of merchandise. "I was yelling and running around like a hurt dog that had been hit by a car. Another worker made some phone calls to reach a manager, and it took an hour for someone to get there and unlock the door."

The reason for Mr. Rodriguez's delayed trip to the hospital was a little-known Wal • Mart policy: the lock-in. For more than 15 years, Wal • Mart Stores Inc., the world's largest retailer, has locked in overnight employees at some of its Wal • Mart and Sam's Club stores. It is a policy that many employees say has created disconcerting situations, such as when a worker in Indiana suffered a heart attack, when hurricanes hit in Florida and when workers' wives have gone into labor.

"You could be bleeding to death, and they'll have you locked in," Mr. Rodriguez said. "Being locked in in an emergency like that, that's not right."

Mona Williams, Wal • Mart's vice president for communications, said the company used lock-ins to protect stores and employees in high-crime areas. She said Wal • Mart locked in workers — the company calls them associates — at 10 percent of its stores, a percentage that has declined as Wal • Mart has opened more 24-hour stores.

Ms. Williams said Wal • Mart, with 1.2 million employees in its 3,500 stores nationwide, had recently altered its policy to ensure that every overnight shift at every store has a night manager with a key to let workers out in emergencies.

"Wal • Mart secures these stores just as any other business does that has employees working overnight," Ms. Williams said. "Doors are locked to protect associates and the store from intruders. Fire doors are always accessible for safety, and there will always be at least one manager in the store with a set of keys to unlock the doors."

Ms. Williams said individual store managers, rather than headquarters, decided whether to lock workers in, depending on the crime rate in their area.

Retailing experts and Wal • Mart's competitors said the company's lock-in policy was highly unusual. Officials at Kmart, Sears, Toys "R" Us, Home Depot and Costco, said they did not lock in workers.

Even some retail industry experts questioned the policy. "It's clearly cause for concern," said Burt Flickinger, who runs a retail consulting concern. "Locking in workers, that's more of a 19th-century practice than a 20th-century one."

Several Wal • Mart employees said that as recently as a few months ago they had been locked in on some nights without a manager who had a key. Robert Schuster said that until last October, when he left his job at a Sam's Club in Colorado Springs, workers were locked in every night, and on Friday and Saturday nights there was no one there with a key. One night, he recalled, a worker had been throwing up violently, and no one had a store key to let him out.

"They told us it's a big fine for the company if we go out the fire door and there's no fire," Mr. Schuster said. "They gave us a big lecture that if we go out that door, you better make sure it's an emergency like the place going up on fire."

Augustine Herrera, who worked at the Colorado Springs store for nine years, disputed the company's assertion that it locked workers in stores in only high-crime areas, largely to protect employees.

"The store is in a perfectly safe area," Mr. Herrera said.

Several employees said Wal • Mart began making sure that there was someone with a key seven nights a week at the Colorado Springs store and other stores starting Jan. 1, shortly after The New York Times began making inquiries about employees' being locked in.

The main reason that Wal • Mart and Sam's stores lock in workers, several former store managers said, was not to protect employees but to stop "shrinkage" — theft by employees and outsiders.

Tom Lewis, who managed four Sam's Clubs in Texas and Tennessee, said: "It's to prevent shrinkage. Wal • Mart is like any other company. They're concerned about the bottom line, and the bottom line is affected by shrinkage in the store."

Another reason for lock-ins, he said, was to increase efficiency — workers could not sneak outside to smoke a cigarette, get high or make a quick trip home.

Mr. Rodriguez acknowledged that the seemingly obvious thing to have done after breaking his ankle was to leave by the fire door, but he and two dozen other Wal • Mart and Sam's Club workers said they had repeatedly been warned never to do that unless there was a fire. Leaving for any other reason, they said, could jeopardize the jobs of the offending employee and the night supervisor.

Regarding Mr. Rodriguez, Ms. Williams said, "He was clearly capable of walking out a fire door anytime during the night."

She added: "We tell associates that common sense has to prevail. Fire doors are for emergencies, and by all means use them if you have emergencies. We have no way of knowing what any individual manager said to an associate."

None of the Wal • Mart workers interviewed said they knew anyone who had been fired for violating the fire-exit policy in an emergency, but several said they knew workers who had received official reprimands, the first step toward firing. Several said managers had told them of firing workers for such an offense.

"They let us know they'd fire people for going out the fire door, unless there was a fire." said Farris Cobb, who was a night supervisor at several Sam's Clubs in Florida. "They instilled in us they had done it before and they would do it again."

Mr. Cobb and several other workers interviewed about lock-ins were plaintiffs in lawsuits accusing Wal • Mart of forcing them to work off the clock, for example working several hours without pay after their shifts ended. Wal • Mart says it tells managers never to let employees work off the clock.

Janet Anderson, who was a night supervisor at a Sam's Club in Colorado from 1996 to 2002, said that many of her employees were also airmen stationed at a nearby Air Force base. Their commanders sometimes called the store to order them to report to duty immediately, but she said they often had to wait until a manager arrived around 6 a.m. She said one airman received a reprimand from management for leaving by the fire door to report for duty.

Ms. Anderson also told of a worker who had broken his foot one night while using a cardboard box baler and had to wait four hours for someone to open the door. She said the store's managers had lied to her and the overnight crew, telling them the fire doors could not be physically opened by the workers and that the doors would open automatically when the fire alarm was triggered.

Only after several years as night supervisor did she learn that she could open the fire door from inside, she said, but she was told she faced dismissal if she opened it when there was no fire. One night, she said, she cut her finger badly with a box cutter but dared not go out the fire exit — waiting until morning to get 13 stitches at a hospital.

The federal government and almost all states do not bar locking in workers so long as they have access to an emergency exit. But several longtime Wal • Mart workers recalled that in the late 1980's and early 1990's, the fire doors of some Wal • Marts were chained shut.

Wal • Mart officials said they cracked down on that practice after an overnight stocker at a store in Savannah, Ga., collapsed and died in 1988. Paramedics could not get into the store soon enough because the employees inside could not open the fire door or front door, and there was no manager with a key.

"We certainly do not do that now," Ms. Williams said. "It's not been that way for a long time."

Explaining the policy, she said, "Only about 10 percent of our stores do not allow associates to come and go at will, and these are generally in higher crime areas where the associates' safety is considered an issue."

Mr. Lewis, the former store manager, said he had been willing to get out of bed at any hour to drive back to his store to unlock the door in an emergency. But he said many Sam's Club managers were not as responsive. "Sometimes you couldn't get hold of a manager," he said. "The tendency of managers was to sleep through the nights. They let the answering machine pick up."

Mr. Cobb, the overnight supervisor in Florida, said he remembered once when a stocker was deathly sick, throwing up repeatedly. He said he called the store manager at home and told him, " `You need to come let this person out.' He said: `Find one of the mattresses. Have him lay down on the floor.'"

"I went into certain situations like that, and I called store managers, and they pretty much told me that they wouldn't come in to unlock the door. So I would call another manager, and a lot of times they would tell you that they were on their way, when they weren't."

Mr. Cobb said the Wal • Mart rule that generally prohibits employees from working more than 40 hours a week to avoid paying overtime played out in strange ways for night-shift employees. Mr. Cobb said that on many workers' fifth work day of the week, they would approach the 40-hour mark and then clock out, usually around 1 a.m. They would then have to sit around, napping, playing cards or watching television, until a manager arrived at 6 a.m.

Roy Ellsworth Jr., who was a cashier at a Wal • Mart in Pueblo, Colo., said he was normally scheduled to work until the store closed at 10 p.m., but most nights

management locked the front door, at closing time, and did not let workers leave until everyone had straightened up the store.

"They would keep us there for however long they wanted," Mr. Ellsworth said. "It was often for half an hour, and it could be two hours or longer during Christmas season."

One night, shortly after closing time, Mr. Ellsworth had an asthma attack. "My inhaler hardly helped," he said. "I couldn't breathe. I felt I was going to pass out. I got fuzzy vision. I told the assistant manager I really needed to go to the hospital. He pretty much got in my face and told me not to leave or I'd get fired. I was having trouble standing. When I finally told him I was going to call a lawyer, he finally let me out."

One top Wal • Mart official said: "If those things happened five or six years ago, we're a very large company with more than 3,000 stores, and individual instances like that could happen. That's certainly not something Wal • Mart would condone."

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