

Memorandum



Date: July 11, 2022

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Subject: Annual Report Relating to the Wage Theft Program

Pursuant to Ordinance No. 10-16, enacted by the Board of County Commissioners on February 18, 2010 to establish the Wage Theft Program, the following is the annual report which includes quarterly statistical data about the number of inquiries, number of petitions for hearings, number of hearings scheduled, the cost of the hearings, and the results of the hearings. This annual report covers the period from January 1, 2021 to December 31, 2021.

During this reporting period, the wage theft complaint volume remained low relative to the volumes experienced during reporting periods prior to the start of the COVID-19 pandemic. However, the number of cases scheduled for hearing during the period was high. This was a consequence of the backlog of cases resulting from the pandemic shut down whereby no hearings were scheduled until a transition to virtual hearings was completed in late 2020. Currently, the backlog of cases has been successfully eliminated.

For the 2021 calendar year, a total of 243 wage theft complaints were received, with a total of 129 meeting ordinance requirements to be processed. A total of \$206,687.00 of unpaid wages were delivered directly to employees resulting from successful conciliation efforts by Consumer Protection Division staff (see Exhibit B). It is notable that over 50% of the qualified claims were resolved thru conciliation as this is the quickest way to recover unpaid wages with confirmed receipt of funds, thus avoiding a protracted hearing process. Attached for the 2021 period are two separate exhibits:

- Exhibit A - provides information on Wage Theft complaints that went before a hearing examiner in each quarter.
- Exhibit B – provides broader information that tracks outcomes of all Wage Theft complaints received during each quarter.

If there are any questions or concerns, please feel free to contact Gregory Baker, Division Chief II, Consumer Protection Division in the Department of Regulatory and Economic Resources, at (786) 469-2312.

Attachments

cc: Geri Bonzon-Keenan, County Attorney
Gerald Sanchez, First Assistant County Attorney
Jess McCarty, Executive Assistant County Attorney
Office of the Mayor Senior Staff
Jimmy Morales, Chief Operations Officer
Lourdes Gomez, Director, Department of Regulatory and Economic Resources
Gregory Baker, Division Chief II, Consumer Protection Division
Adeyinka Majekodunmi, Commission Auditor
Basia Pruna, Director, Clerk of the Board

EXHIBIT A

2021 WAGE THEFT QUARTERLY HEARING SUMMARY*

January 1 - December 31, 2021

	1ST QUARTER	2ND QUARTER	3RD QUARTER	4TH QUARTER	TOTALS
NUMBER OF CASES SCHEDULED FOR HEARING	62	71	40	34	207
Withdrawn prior to Hearing	4	6	2	4	16
Settled at or before the scheduled Hearing	6	5	7	7	25
Dismissed	7	11	3	5	26
Violation Found	17	22	16	4	59
No violation proven	5	4	1	2	12
Rescheduled	23	23	11	12	69
WAGES AWARDED	\$ 27,924	\$ 50,496	\$ 40,656	\$ 4,112	\$ 123,188
PENALTIES AWARDED	\$ 55,848	\$ 100,992	\$ 81,312	\$ 8,224	\$ 246,376
ADMIN COSTS AWARDED	\$ 5,950	\$ 7,700	\$ 5,600	\$ 1,400	\$ 20,650
Direct Costs Expended for Administrative Hearings	\$ 4,800	\$ 4,000	\$ 2,400	\$ 2,400	\$ 13,600

* These summary figures are based on the cases heard at each scheduled hearing during the 2021 calendar year period, regardless of when the complaint was received.

EXHIBIT B

WAGE THEFT ANNUAL REPORT CASE OUTCOMES BASED ON RECEIVED DATE FOR THE PERIOD OF JANUARY 1 thru DECEMBER 31, 2021

	1ST QUARTER	2ND QUARTER	3RD QUARTER	4TH QUARTER	ANNUAL TOTAL
NUMBER OF COMPLAINTS FILED/OPENED OR REOPENED	72	55	49	67	243
NUMBER OF COMPLAINTS REFERRED OUT, INQUIRY ONLY OR ABANDONED	40	25	22	27	114
NUMBER OF COMPLAINTS QUALIFIED	32	30	27	40	129

BREAKDOWN OF COMPLAINTS THAT QUALIFIED

NUMBER OF COMPLAINTS UNABLE TO EFFECT SERVICE	4	0	2	0	6
NUMBER OF COMPLAINTS WITHDRAWN OR FORMAL BANKRUPTCY	3	5	5	5	18
NUMBER OF SUCCESSFUL CONCILIATIONS	14	17	13	23	67
NUMBER OF CASES WITH FINDING OF WAGE THEFT VIOLATION AT HEARING*	7	5	3	3	18
NUMBER OF CASES WITH NO FINDING OF WAGE THEFT VIOLATION AT HEARING*	4	2	3	3	12
CASES REMAINING OPEN FROM PERIOD	0	1	1	6	8

VALUE OF UNPAID WAGES ALLEGED	\$ 117,360	\$ 141,340	\$ 101,791	\$ 105,701	\$ 466,192
VALUE OF SUCCESSFUL CONCILIATIONS	\$ 45,889	\$ 81,081	\$ 53,058	\$ 26,659	\$ 206,687
AMOUNT OF UNPAID WAGES AWARDED AT HEARING *	\$ 10,608	\$ 13,796	\$ 3,084	\$ 3,043	\$ 30,531
AMOUNT OF PENALTIES AWARDED AT HEARING *	\$ 21,216	\$ 27,592	\$ 6,149	\$ 6,086	\$ 61,043

* The figures provided here do not match those found in Exhibit A, as the results in this chart reflect the outcome of a complaint received during the quarter, although it may have gone to hearing in a later quarter. Exhibit A reflects the outcome of cases that went to hearing during the quarter although the complaint may have been received in a previous quarter.