

Memorandum



Date: November 9, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Wage Theft – 6 Month Fiscal Report

BPS
Agenda Item No. 7A

On February 18, 2010, the Board of County Commissioners (BCC) adopted Ordinance No. 10-16, establishing Chapter 22 of the Code prohibiting wage theft, and providing administrative procedures and private cause of action, effective February 28, 2010.

The Wage Theft legislation requires that a fiscal report regarding the administrative cost associated with the implementation of the Ordinance be submitted to the Budget, Planning and Sustainability Committee within six months of its effective date and one year after its effective date. Thereafter, such fiscal report shall be submitted annually. The fiscal report should provide 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 report is the first of subsequent fiscal reports on the status of the County's Wage Theft Program administered by the Department of Small Business Development (SBD).

Since the February 2010 enactment of the Wage Theft Program, SBD has developed the tools necessary to effectively administer the program including a Wage Theft Check List used to validate claims against program criteria; a Wage Claim Intake Form in English, Spanish and Creole for aggrieved employees to document complaints; and an Oracle database monitoring tool for logging and tracking complaints and inquiries. To date, the County has not expended any funds in the implementation of the Wage Theft Program, as no claims have gone through the Hearing Examiner process.

For the past six-month period, the following chart identifies the number of Wage Theft complaints that have been filed; the number of intake forms that have been reviewed and determined to meet the program criteria; the number of complaints that have been referred to the Florida Department of Labor (DOL) based on one of four identified criteria; the number of general inquiries received regarding the program, and lastly, the number of eligible claims that have been successfully conciliated, including the total amount of unpaid wages recovered:

Wage Theft Complaints Filed	Wage Theft Claims Identified	Referrals to Department of Labor (Wage & Hour Div)	Wage Theft Program Inquiries (Non-claim related)
294	121	31	106
Wage Theft Claims Conciliated		*Referral Conditions:	
Total Resolved: 23		1) Business Gross receipts > \$500K and = 17 claims	
Wages Recovered: \$24,560		2) Minimum wage claim or = 9 claims	
		3) Business involved in Interstate-commerce = 9 claims	
		4) Unpaid wages prior to Ordinance claims = 5 claims	


Assistant County Manager