



# Board of County Commissioners Regular

November 16, 2010

Prepared by: Scott Rappleye

## EXHIBITS LIST

EXHIBIT #	DATE	ITEM #	DESCRIPTION
1	11/16/2010	--	Order of the Day
2	11/16/2010	--	Pull List
3	11/16/2010	--	County Manager's Memorandum Re: Changes for the November 16, 2010 BCC Meeting
4	11/16/2010	1E1	1-The Miami-Dade Wage Theft Ordinance
5	11/16/2010	1E1	2-RISEP, Wage Theft in Florida
6	11/16/2010	1E1	3-Continued success of the Miami-Dade Wage Theft
7	11/16/2010	1E1	4-Wage Theft in Florida: A Real Problem with Real Solutions
8	11/16/2010	1E1	5-Wage Theft in South Florida
9	11/16/2010	6B1	1-Ballot: Appointment of Chairperson, Round 1
10	11/16/2010	6B1	2-Ballot: Appointment of Chairperson, Round 2
11	11/16/2010	11B1	Commission District 3 Allocations
12	11/16/2010	11B2	Commission District 4 Allocations
13	11/16/2010	11B3	Commission District 12 Allocations
14	11/16/2010	11B4	Commission District 13 Allocations
15	11/16/2010	15C	Advisory Board Appointment Form: Building Better Communities Citizen Advisory Board, Edward Hanna
16	11/16/2010	15C	Commissioner Gimenez Memo Appointing Mr. Dean Chung to the Asian American Advisory Board
17	11/16/2010	15D1	Tally Sheet: Land Acquisition Selection Committee
18	11/16/2010	--	Speaker's Card



**MIAMI-DADE BOARD OF COUNTY COMMISSIONERS**

**ORDER OF THE DAY**

**Tuesday, November 16, 2010**

**2:00 p.m.**

Call to Order  
Roll Call  
Moment of Silence  
Pledge of Allegiance

**6:30 p.m.**

Adjournment

***\*Time Certain\****



**MIAMI-DADE BOARD OF COUNTY COMMISSIONERS**  
**Tuesday, November 16, 2010**  
**PULL LIST**

ITEM NO.	DESCRIPTION
7A	ORDINANCE PROVIDING FOR RESPONSIBLE WAGES IN COUNTY CONSTRUCTION CONTRACTS; MODIFYING THE EXEMPTION FOR CERTAIN PRIVATELY FUNDED CONSTRUCTION PROJECTS; PROVIDING THAT CERTAIN PRIVATELY FUNDED PROJECTS WITH AN ESTIMATED COST LESS THAN FIVE MILLION DOLLARS SHALL BE EXEMPT; DELETING THE EXEMPTION FOR PROJECTS WHOSE ESTIMATED COST EXCEEDS ONE MILLION DOLLARS; AMENDING SECTION 2-11.16 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 102113]
	<b>Commissioners</b> <i>Sosa</i>
7A SUPPLEMENT	SUPPLEMENT TO FISCAL IMPACT STATEMENT TO ORDINANCE PROVIDING FOR RESPONSIBLE WAGES IN COUNTY CONSTRUCTION CONTRACTS
	<b>Commissioners</b>
8Q1A	RESOLUTION AUTHORIZING EXECUTION OF A CRUISE TERMINAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND PRESTIGE CRUISE HOLDINGS; AND AUTHORIZING THE MAYOR OR DESIGNEE TO EXECUTE THE AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY(Seaport Department)
	<b>Commissioners</b> <i>Edmonson</i>
9A1	RESOLUTION AUTHORIZING A COOPERATIVE AGREEMENT WITH THE MIAMI-DADE COUNTY PUBLIC SCHOOLS FOR THE PROVISION OF EDUCATIONAL CLASSES FOR JUVENILES IN THE CUSTODY OF THE MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE RENEWAL AND CANCELLATION PROVISIONS CONTAINED THEREIN(Corrections & Rehabilitation Department)
	<b>Commissioners</b> <i>Sosa</i>
11A1	RESOLUTION DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO LIST BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 286 – "CONSTRUCTION OF THE WESTCHESTER COMMUNITY ARTS CENTER" IN SERIES RESOLUTION AS ELIGIBLE FOR FUNDING IN NEXT SERIES OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BONDS, TO FUND \$8 MILLION FROM SUCH BOND PROCEEDS IN ORDER TO TIMELY DEVELOP AND CONSTRUCT THE WESTCHESTER COMMUNITY ARTS CENTER AND TO CONTRACT WITH PROGRAMMING PARTNER FOR SUCH FACILITY; REQUIRING BOARD APPROVAL FOR ANY ADJUSTMENTS TO SUCH FUNDING, INCLUDING CASH FLOW REVISIONS
	<b>Commissioners</b> <i>Heyman, Monestime, Seijas</i>
11A2	RESOLUTION DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO IDENTIFY LEGALLY AVAILABLE FUNDS IN THE AMOUNT OF \$28,759.00 IN ORDER TO PROVIDE GRANT TO READ2SUCCEED, INC., A NOT-FOR-PROFIT CORPORATION, FOR EXPENSES RELATED TO PROVISION OF MIAMI-DADE POLICE DEPARTMENT OFF-REGULAR-DUTY SERVICES FOR THE JULY 18, 2010 COLOMBIAN INDEPENDENCE FESTIVAL, SUBJECT TO PRIOR BOARD APPROVAL, AND TO REPORT BACK TO BOARD AT ITS NEXT MEETING ON FUNDING SOURCE
	<b>Commissioners</b> <i>Heyman, Monestime, Seijas</i>
11A3	RESOLUTION APPROVING THE MEMBER COUNTY AGREEMENT, IN THE FORM ATTACHED AS EXHIBIT C TO THE AMENDED AND RESTATED MANAGED PHARMACY SERVICES AGREEMENT BY AND BETWEEN THE NATIONAL ASSOCIATION OF COUNTIES (NACO) AND CAREMARKPCS HEALTH, L.L.C., FOR MIAMI-DADE COUNTY'S PARTICIPATION IN NACO'S DISCOUNT PRESCRIPTION DRUG PROGRAM AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE MEMBER COUNTY AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN
	<b>Commissioners</b> <i>Heyman, Diaz</i>
11A4	RESOLUTION DIRECTING THE PUBLIC HEALTH TRUST IN ACCORDANCE WITH CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY TO CEASE, TERMINATE AND DISCONTINUE ITS FORMATION OF ANY AUXILIARY ORGANIZATION (TASK FORCE) REGARDING GOVERNANCE MODELS FOR JACKSON HEALTH SYSTEM
	<b>Commissioners</b> <i>Sosa, Heyman</i>



**MIAMI-DADE BOARD OF COUNTY COMMISSIONERS**  
**Tuesday, November 16, 2010**  
**PULL LIST**

ITEM NO.	DESCRIPTION
11A5	RESOLUTION DIRECTING THE PUBLIC HEALTH TRUST TO TERMINATE ITS AGREEMENT WITH FOUNDATION HEALTH SERVICES, INC., AND DIRECTING THE PUBLIC HEALTH TRUST TO UNDERTAKE ALL EFFORTS TO: (I) DETERMINE THE AMOUNT OF MONEY DUE AND OWING TO THE PUBLIC HEALTH TRUST FOR ANY UNAPPROVED OR IMPROPER EXPENDITURES AND TO RECOUP SUCH MONIES; (II) IDENTIFY ANY FUNDS, EQUIPMENT, ASSETS OR PROPERTY DUE AND OWING TO THE PUBLIC HEALTH TRUST AND RECOUP SUCH ITEMS; AND (III) TO TAKE ALL ACTIONS NECESSARY TO COMPLY WITH THE DIRECTIVES IN THIS RESOLUTION <b>Commissioners</b> <i>Heyman</i>
14A1	RESOLUTION APPROVING CONVEYANCE OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF ELECTRIC TRANSMISSION AND DISTRIBUTION LINES ON COUNTY-OWNED PROPERTY LOCATED AT 1501 NW 3 STREET; AUTHORIZING COUNTY MAYOR TO EXECUTE SAME AND TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN; AND DELEGATING AUTHORITY TO COUNTY MAYOR TO EXECUTE ADDITIONAL UTILITY EASEMENTS WITHIN THE BALLPARK SITE IF NECESSARY FOR THE TIMELY CONSTRUCTION OF BALLPARK PROJECT AND TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN(Office of Capital Improvements) <b>Commissioners</b>

# Memorandum



**Date:** November 16, 2010

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

**From:** George M. Burgess  
County Manager

**Subject:** Changes for the November 16, 2010 BCC  
Meeting

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of the sender.

## Additions

111 Rebeca Sosa

**102561** PROPOSED 2011 STATE LEGISLATIVE PACKAGE

111 SUBSTITUTE Rebeca Sosa

**102683** PROPOSED 2011 STATE LEGISLATIVE PACKAGE [SEE ORIGINAL  
ITEM UNDER FILE 102561]

2B1 Mayor

**102685** APPROVAL OF DEPARTMENTAL AGENDA ITEMS

7A SUPPLEMENT

**102686** SUPPLEMENT TO FISCAL IMPACT STATEMENT TO ORDINANCE  
PROVIDING FOR RESPONSIBLE WAGES IN COUNTY CONTRUCTION  
CONTRACTS

Additions

14A1

- 102617** RESOLUTION APPROVING CONVEYANCE OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF ELECTRIC TRANSMISSION AND DISTRIBUTION LINES ON COUNTY-OWNED PROPERTY LOCATED AT 1501 NW 3 STREET; AUTHORIZING COUNTY MAYOR TO EXECUTE SAME AND TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN; AND DELEGATING AUTHORITY TO COUNTY MAYOR TO EXECUTE ADDITIONAL UTILITY EASEMENTS WITHIN THE BALLPARK SITE IF NECESSARY FOR THE TIMELY CONSTRUCTION OF BALLPARK PROJECT AND TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (Office of Capital Improvements)

Scrivener's Errors

12B1

- 102611** MONTHLY REPORT - QUALITY AIRCRAFT SERVICES, INC. (County Manager)

*Note: On the bottom of handwritten pages 3, 4 and 5, the words "or salaries as indicated above" should be stricken. Additionally, under "Notes" at the bottom of handwritten page 3, the following sentence was added: The Skycap positions are also covered by the Living Wage; the hourly wage, including tips, is calculated to meet or exceed the Living Wage.*

**Note: UPON THE ADOPTION OF ANY SUBSTITUTE OR ALTERNATE AGENDA ITEM, THE ACCOMPANYING SUBSTITUTES AND/OR ALTERNATES SHALL BE DEEMED WITHDRAWN.**

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# The Miami-Dade Wage Theft Ordinance

Item 1E1

Exhibit 1

Meeting \_\_\_\_\_

The Wage Theft Ordinance is a policy that aims at eliminating and preventing Wage Theft, the non-payment or under-payment of wages earned by workers in the county. An employer who is found to have violated the Wage Theft Ordinance by unlawfully failing to pay an employee will have to pay back the owed wages and will be responsible for paying administrative fees and hearing costs, if they are found to have violated the ordinance.

**Martha, an employee who used the SBD to collect wages owed, shares her story.**

The Department of Small Business Development (SBD)

is the county agency that enforces the Wage Theft Ordinance and oversees claims brought by employees who have been victims of wage theft. Since the passing of the ordinance in February of this year, the SBD has successfully collected nearly \$40,000 in back wages for employees working in various industry sectors, from telemarketing to restaurants, and architectural firms.

## Have an Unpaid Claim to File?

The threshold for filing a claim is \$60 of unpaid wages and there is NO cost to filing a wage claim.

**STEP 1:** Print Wage Claim Intake Form from SBD website:

<http://www.miamidade.gov/sba/forms.asp>

**STEP 2:** Fax the intake form along with any evidence to support your claim such as pay stubs or a written work schedule to

**Fax: 305-375-3160** or deliver the intake form and supporting materials in person to **Miami Dade County, Department of Small Business Development, Stephen P. Clark Center 111 N.W. 1st St 19th Floor, Miami, FL 33128**

*The Wage Theft Ordinance was first drafted by the Wage Theft Task Force, a group of community organizations, labor unions, immigrant rights groups, faith based organizations, lawyers and university researchers who realized that wage theft was a common business practice among Miami-Dade business employers.*

My name is Martha and I have worked hard all of my life because I did not want to be poor like my parents. While in college, I worked a full-time job while studying full-time to become an architect. When I graduated I was very happy to find a job right away because everything that I had worked hard for was finally paying off. I began working my way up at an architectural firm and after four years, I became a project manager. Unfortunately, due to the downturn in the construction industry caused by the economic recession, the firm that I was working at began to face financial troubles.

At first, my employer paid me a week behind and little by little my unpaid wages started accumulating, until I was owed 3 months worth of wages, nearly \$7,000. I began to pay my rent late, I had overdraft charges that did not end and I began to suffer from insomnia due to my financial stress. When I finally had the courage to approach my employer to let him know that I could not continue to work without getting paid—all he said was that the firm had no money to pay me. It was then that I decided that my labor was not free and so I quit.

At first I went to seek help at the Department of Labor's Wage and Hour Office, but after weeks of trying to submit a claim they finally responded by saying that they could not help me because they only deal with minimum wage issues and not unpaid back wages. Luckily they were able to refer me to the County's Department of Small Business Development Office, who were able to immediately take on my case. They replied promptly to all of my emails and were very helpful. My case is scheduled to be heard by a hearing officer.

I know of many other workers who have suffered from this type of abuse and the county needs to protect workers against employers who do not pay their employees.

■ Martha

NOV 10 2010

Item 1E1  
Exhibit 2  
Meeting \_\_\_\_\_

RISEP  
Research Institute on  
Social & Economic Policy



## Wage Theft in Florida: A Real Problem with Real Solutions

### What is Wage Theft?

Wage theft is when workers are paid below the minimum wage, not paid for overtime, forced to work off the clock, have their time cards altered, are misclassified as independent contractors, or are simply not paid a wage for work performed. Certain types of workers are more vulnerable to wage theft violations, such as low-wage workers and immigrant workers, who encompass a large scope of Florida's workforce. These workers include, for example, restaurant and other tipped workers, construction workers, day laborers, domestic workers, agricultural workers, security guards, and child care workers. A report entitled, *Wage Theft in Florida: A Real Problem with Real Solutions*, by the Research Institute on Social and Economic Policy (RISEP) for the **Florida Wage Theft Task Force (WTF)**, found that wage theft has also been documented in professional and higher salary occupations, such as legal service providers, architecture and accounting firm employees, public and private school employees, and medical professionals.

### Does Wage Theft Occur Often?

Yes! RISEP's report analyzed wage violations from two community-based organizations and the Wage and Hour Division (WHD) of the U.S. Department. The two community-based organizations in Miami-Dade and Palm Beach County had documented 347 wage violations, totaling over \$400,000 dollars while the WHD in Miami-Dade and Palm Beach County documented 3350 wage violations totaling over \$3,567,524.41 dollars from September 2008 to March 2010.

**That's a total of 3697 wage violations in Miami-Dade and Palm Beach  
and a loss of \$3,632,721.13 in unpaid wages!**

### Who does Wage Theft Impact?

The negative effects of shortchanging workers' wages ripple across communities and the economy. Families suffer when earnings are too low to meet basic needs. Local businesses and economies are denied vital stimulus that would flow from the additional spending of workers had they been paid all that they had earned. Honest businesses are undermined by unscrupulous competitors who practice wage theft. And governments at all levels take a hit, because they are denied tax revenues generated by higher earnings and because many working families must resort to public programs to meet basic needs when wages fall short.

### What Can be Done to Prevent Wage Theft from Occurring in Our Communities?

The **Florida Wage Theft Task Force (WTF)** is comprised of several organizations including faith based, legal advocates, unions, immigrant rights, and RISEP, a university research institute. In February of 2010, the **WTF** successfully worked with Miami-Dade County commissioners to pass the first countywide **Wage Theft Ordinance** in Florida. The ordinance is enforced by the Miami-Dade County Department of Small Business Development (SBD), the agency responsible for overseeing and enforcing the county's Living Wage Ordinance. Since the Wage Theft Ordinance passed in February of 2010, the SBD has logged 402 wage claims, some of which were referred to the U.S. Department of Labor; processed over 280 intake forms; moved approximately 57 complaints forward to a hearing examiner; and collected nearly **\$40,000**, the majority of which was collected in less than five months as the ordinance only became fully implemented in September 2010.

## **Are There Other Solutions to Eliminate Wage Theft?**

The report *Wage Theft in Florida: A Real Problem with Real Solutions* outlines five concrete solutions critical to reducing and eliminating wage and hour violations in the state of Florida. Some recommendations focus on existing laws and regulations while others propose to reform current legislation. The Wage Theft Task Force believes that public policy, as implemented by Florida's state and local governments, has a fundamental responsibility to protect Florida's workers against wage and other workplace violations.

### **The Creation of Other Wage Theft Ordinances at the Local Level**

The U.S. Department of Labor's Wage and Hour Division cannot be the sole enforcement mechanism in the state of Florida because of its limited jurisdiction. Other county agencies need to create local wage theft ordinances, such as the Miami-Dade ordinance, to protect their county budgets, ethical employers, residents, and communities from the effects of wage theft.

### **Encourage the Florida Attorney General to Improve the Enforcement of the Minimum Wage and other Workplace Protections**

The Florida Attorney General may bring an enforcement action to enforce the state minimum wage; however, to our knowledge, this has never been done. In an effort to protect Florida's workforce from wage theft and other labor violations, the state attorney general must enforce Florida's labor laws and be allotted the resources to do so.

### **Encourage the Right to Organize**

Empirical research has shown that unions improve wages and benefits to workers, especially minority and low-wage workers. Wage theft becomes almost impossible in unionized workplaces, because the wages specified in a union collective bargaining agreement are legally enforceable and are guaranteed through union enforcement procedures. Employers must allow for workers to negotiate contracts through unionization because increased unionization is a strong step towards protecting workers against wage theft.

### **Labor Education and Protection to all Workers Regardless of Immigration Status**

Federal and state labor laws do not exclude undocumented workers and, thus, are enforced and administered regardless of immigration status. However, many undocumented workers rarely speak out against workplace abuses to avoid threats, harassment, unemployment, or even deportation. Undocumented workers are the most susceptible to workplace violations, but their abuse also has a ripple effect amongst other workers. One of the most comprehensive responses to wage violations is to have workers who, regardless of immigration status, know their labor rights and are not afraid to speak out against offending employers. Consequently, workers should not be penalized for speaking out and employers must not retaliate against an employee, if they demand or file an unpaid wage claim. In addition, undocumented immigrants should be protected from deportation throughout the process of any wage violation filed on their behalf. Employers must be familiar with labor laws and must be aware that the penalties for breaking them will be strict.

### **Expand FLSA to cover all Workers**

The Fair Labor Standards Act (FLSA) does not cover many workers who are the most marginalized and vulnerable to workplace violations like day laborers, agricultural workers, and domestic workers. FLSA needs to be expanded to cover all workers who do not currently have labor protections.

Florida must find the political will to protect workers and honest employers from wage theft, a growing illegal practice with negative implications for local and state level economic health and growth.

#### **Want to Know More?**

Contact [Cynthia S Hernandez](mailto:Cynthia.S.Hernandez@fiu.edu), RISEP Research Associate, at [Cynthia.Hernandez1@fiu.edu](mailto:Cynthia.Hernandez1@fiu.edu) or (305)348-2614  
[www.risep-fiu.org](http://www.risep-fiu.org)

# Continued success of the Miami-Dade Wage Theft

The **Wage Theft Ordinance** was passed by the Miami Dade County and became effective on February 28, 2010. The ordinance is designed to help eliminate and deter Wage Theft, or the non-payment or under-payment of wages earned by workers in Miami-Dade County.

When people work and don't get paid what they are owed, they can now turn to the county. An employer who is found to have violated the Wage Theft Ordinance by unlawfully failing to pay an employee must then pay the owed wages. The Department of Small Business Development (SBD) is the county's agency that oversees and enforces the Wage Theft Ordinance.

## Wage Theft Ordinance a success

In only 9 months the SBD has processed 186 intake forms and collected nearly **\$40,000** in back wages to employees working in industries such as telemarketing, restaurants, retail, construction, security, and architecture.

"Our employers knew that they were not going to be able to pay us but still had us working for them."

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Item 1E1  
Exhibit 3  
Meeting \_\_\_\_\_

“Less than 2 weeks after filing our complaints, the county was able to collect all of our owed money.”

## Alberto, an employee who has used the SBD to collect wages owed, shares his story:

“My name is Alberto, and I have been working in Miami as a telemarketer for nearly 10 years. Most recently, both my wife and I were employed by the same company where we were selling vacation packages to tourists wanting to visit Florida. We had only been working there for three months when the company unexpectedly closed. My wife and I, and all four of my co-workers, were never paid our last pay check. When we asked our employers about getting paid they responded that they didn't have the money and that they would pay us back when they could. Weeks passed and because they would not respond to our calls, it was clear that they did not have any intention of paying us what we were owed.

I was owed \$350 and my wife was owed \$270. That total is \$620, which is almost what we pay for rent each month. That month was particularly difficult for us; we paid our rent late and spent very little on groceries. We had to use whatever little savings we had to make ends meet until we could find another job.

One day my wife and I were watching the local news station when a story came on about a new law passed by Miami-Dade to help workers who had not been paid for their work. I wrote down the information and immediately called the Department of Small Business Development, which I later learned is the county office that oversees the Wage Theft Ordinance. I shared this information with my former co-workers and we decided to file wage theft complaints.

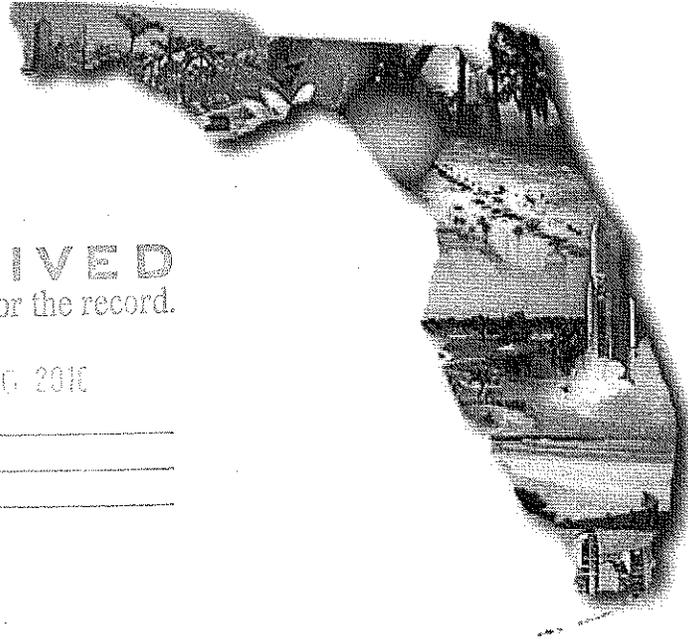
Less than 2 weeks after filing our complaints, the county was able to collect all of our owed money, which totaled \$3,315, including my co-workers, my wife, and I. From what I learned, all it took was a letter from the Department of Small Business Development to get our employer to pay us back. It still makes me very angry to think that our employers knew that they were not going to be able to pay us but still had us working for them.”

*The South Florida Wage Theft Task Force (WTTF) is a community-based task force working collaboratively to address wage theft since 2007. The goals of the WTTF are to reduce wage theft in Florida and, in the process, broaden public awareness about worker rights. WTTF membership includes immigrant rights organizations, women's and faith community groups, labor unions, a workers' center, legal service providers, a university-based research institute, an employer alliance, others CBOs, and concerned citizens. The WTTF seeks to strengthen human rights through the expansion of protections for the most vulnerable among us and the improvement of public enforcement of laws. For more information on the Wage Theft Task Force, contact either Francesca Menes 786.340.1646 or Jeanette Smith 305.598.1404*

**To file a claim with the SBD for unpaid wages, visit:**

**<http://www.miamidade.gov/sba/forms.asp>**

# Wage Theft in Florida: A Real Problem with Real Solutions



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Item 1E1  
Exhibit 4  
Meeting \_\_\_\_\_

By the **Research Institute on Social and Economic Policy**  
For the ***Florida Wage Theft Task Force***

Contact: Cynthia S Hernandez  
The Research Institute on Social and Economic Policy  
*Center for Labor Research and Studies*  
*Florida International University*  
Miami, FL 33139  
Phone: 305-348-2614  
Web: [www.risep-fiu.org](http://www.risep-fiu.org)



This report is the first in a series describing and exposing the extent of wage violations in the state of Florida. This project is an initiative of the Florida Wage Theft Task Force (WTTF) whose mission is to find solutions to and increase public awareness about wage violations experienced by Florida's working men and women.

The focus of this report is on Miami-Dade and Palm Beach Counties, using information collected by two community worker centers and by the Wage and Hour Division (WHD) of the U.S. Department of Labor (DOL). The cases of wage violations reported by each agency were clear violations of the Fair Labor Standards Act.<sup>1</sup>

This report was prepared by the Research Institute on Social and Economic Policy (RISEP) at Florida International University in Miami.<sup>2</sup> The WTTF and RISEP invite other groups around the state who serve individuals victimized by wage theft to participate in this database, and we will provide technical support for your participation.<sup>3</sup>

The report introduces the Florida Wage Theft Task Force and briefly explains the problem of wage theft, the county ordinance recently passed by Miami-Dade County, and an ordinance in Palm Beach County currently being drafted. It then presents the data on wage violations accumulated by this project. The report presents data on: 1) the number of individuals reporting clear cases of wage violation known to the community based organizations between August 2006 and August 2010, and the WHD from September 2008 through March 2010; 2) industries where wage violations are occurring; 3) total amount of back wages that were agreed to be paid by employers; 4) number of employees that were paid some or all of their wages owed, by industry of employment; and 5) number of employees who were not paid at all. The report concludes by presenting policy recommendations and solutions to eliminate wage theft in Florida.

### **Florida Wage Theft Task Force (WTTF)**

Since 2006, several Miami-Dade County, community-based organizations have been documenting wage violations because their members have been affected by the issue. After meeting to discuss community issues, they realized that wage theft was a widespread occurrence throughout the county and in several industries. In order to more efficiently address the issue, these organizations coalesced into the Florida Wage Theft Task Force. In 2007, the WTTF began with a core group of organization including faith based, legal advocates, immigrant rights, unions, and university researchers. Since then the WTTF<sup>4</sup>, has grown to include several other member organizations as well as concerned business employers and citizens who also participate on an *ad hoc* basis. The Florida Immigrant Coalition (FLIC), a statewide immigrant rights organization, has been leading the coordination for the task force.

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<sup>1</sup> The Fair Labor Standards Act (FLSA) established minimum wage, overtime pay, record keeping, and youth employment standards affecting full-time and part-time workers in private sector and in federal, state, and local governments. The U.S. Department of Labor Wage and Hour Division (WHD) administers and enforces FLSA in Florida. <http://www.dol.gov/esa/whd/flsa/>

<sup>2</sup> This project is funded by grants supporting the work of the WTTF from the Sociological Initiatives Foundation (with the Florida Immigrant Coalition serving as Program fiscal agent) and the Unitarian Universalist Veatch Program at Shelter Rock through a grant to RISEP.

<sup>3</sup> If you are part of an organization that might be interested in participating in this project or you would like more information, please contact Cynthia S Hernandez, RISEP Research Associate, at [Cynthia.Hernandez1@fiu.edu](mailto:Cynthia.Hernandez1@fiu.edu) or (305)348-2614.

<sup>4</sup> WTTF members: We Count!, American Friends Service Committee, South Florida Interfaith Worker Justice, Florida Legal Services, Inc., Florida Immigrant Coalition, Florida Immigrant Advocacy Center, Service Employees International Union, Unite-Here, Restaurant Opportunity Center-Miami, Women's Fund of Miami Dade, South Florida AFL-CIO, Florida Farm Worker Association, South Florida Jobs with Justice, and the Research Institute on Social and Economic Policy.

Since its inception as a formalized working group in 2007, the WTTF's members have seen the number of wage theft cases in Miami-Dade County increase rather than decrease. The economic climate in the state has only worsened the problem at both the local and state level. Nevertheless, the WTTF has successfully tested various means of fighting wage violations. The most visible opposition has been the passage of the Wage Theft Ordinance, which became effective on February 28, 2010 in Miami-Dade County. The ordinance is the first countywide anti-wage theft law in Florida. The ordinance was drafted by Florida Legal Services, one of the legal service members of the WTTF. Created to eliminate and prevent wage theft across the county, the ordinance is being enforced by the Miami-Dade County Department of Small Business Development (SBD), the agency also responsible for overseeing and enforcing the county's Living Wage Ordinance.

The SBD established a review and implementation process that first attempts to conciliate any claims by notifying the employer of the filed claim and asking both parties to provide supporting documents. The burden of proof is on the employer: if he or she has not maintained payment records (which is a violation of FLSA), the records of the employee are used and may include notes kept or sworn statements from co-workers and others. Should SBD staff be unable to conciliate a claim, the case is set with a hearing examiner. The hearing examiners are retained to adjudicate a series of cases one day a month. If a hearing examiner finds an employer guilty of wage theft, the employer will not only be liable for the original wages owed, but will also be liable for an additional amount equal to two times the wages owed as compensation to the worker. This not only makes the worker "whole," it also sends a deterrent message to other businesses that routinely steal wages. Additionally, the employer will be liable to the county for the cost of the hearing examiner.<sup>5</sup> The threshold for filing a claim is \$60 of unpaid wages, a day's work for some domestic workers and day laborers, and there is no cost for filing a claim. The Miami-Dade Wage Theft Ordinance covers all workers, including those who are not covered under the Fair Labor Standards Act.

The WTTF has continued to work very closely with the SBD, meeting monthly to discuss outreach, the types of cases being seen, and how to reach more workers. RISEP helped to design and translate the intake forms used by the SBD and will be analyzing the wage complaints that the SBD receives for the next report in this series. The Board of County Commissioners is scheduled to declare a countywide day of action against wage theft to coincide with an upcoming National Day of Action on November 18, 2010.

Since the Wage Theft Ordinance passed in February of 2010, the SBD has logged 402 wage claims, some of which were referred to the Miami's office of the WHD; processed over 280 intake forms; moved approximately 57 complaints forward to a hearing examiner; and collected nearly \$40,000, the majority of which was collected in less than five months as the ordinance only became fully implemented in September 2010.<sup>6</sup>

Other effective means of recuperating lost wages tested by the WTTF have been legal court cases, small claims court cases, and public shaming of employers who have chronically victimized numerous employees. In addition, the WTTF strives to support organizing and public education to workers on their rights as workers, and what to do if they are the victims of wage violations.

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<sup>5</sup> Smith, Jeanette. 2010. Victory in Miami-Dade County. Wage Theft Toolkit. [www.wagetheft.org](http://www.wagetheft.org)

<sup>6</sup> RISEP ascertained these figures from the SBD's latest recorded information. November 10, 2010.

The WTTF has received national recognition from organizations such as the National Employment Law Project (NELP) and Inter Faith Worker Justice for its innovative work against wage theft; and is being looked to as a model for change in Palm Beach County and other parts of the state and country after the successful passage of Miami Dade's countywide wage theft ordinance.

In Palm Beach County, People Engaged in Active Community Efforts (PEACE), a congregation-based coalition of churches and synagogues, is working with El Sol Neighborhood Resource Center (El Sol), a worker center which has also documented cases of wage violations, and other community groups to follow similar steps as the WTTF in order to implement a countywide wage theft ordinance. As this report is being released, the Palm Beach groups have met with county commissioners and are preparing a first draft of the ordinance to be completed in February 2011.

This project of the WTTF is to create a statewide database of verifiable wage violations that documents the extent and form of wage theft occurring throughout Florida. The WTTF knows that many, perhaps the majority of wage theft abuses go unreported because workers fear retaliation by their employers. In the case of undocumented workers, the WTTF has documented cases in which employers have threatened to have workers deported when they asked for their unpaid wages. Other workers who are U.S. born or legal residents simply do not report their violations out of fear of losing their jobs, particularly in our current economic climate.

Nevertheless, the number of reported and verifiable cases being collected through this project appears to be dangerously high and growing. The information accumulated in this database project is intended to demonstrate the magnitude of the problem that violates both state and federal law, and shows the need for enforcement and policies that protects Florida's workers from this egregious rupture of the most fundamental contract between employer and employee.

### **What is Wage Theft?**

Wage theft is when workers are paid below the minimum wage, not paid for overtime, forced to work off the clock, have their time cards altered, are misclassified as independent contractors, or are simply not paid a wage for work performed. Certain types of workers are more vulnerable to wage theft violations, such as low-wage and immigrant workers who encompass a large scope of Florida's workforce. These workers include, for example, restaurant and other tipped workers, construction workers, day laborers, domestic workers, agricultural workers, security guards, and child care workers. As the data in this report shows, cases of wage theft violations have also been documented in professional and higher salary occupations, such as legal service providers, architecture and accounting firm employees, public and private school employees, and medical professionals and para-professionals.

Wage theft is a growing problem across America as unscrupulous employers seek methods to cut business costs, particularly during difficult economic times. A recent survey by researchers at the University of Illinois-Chicago found that two-thirds of low-wage workers surveyed experienced a pay violation in any given week.<sup>7</sup> Wage theft is especially acute in South Florida because of three main factors: 1. South Florida's service sector-based economy is comprised of low-wage and hourly jobs in which much of the workforce such as agricultural workers are excluded from federal and state laws; 2. the state of Florida abolished its Department of Labor in 2000, leaving the understaffed U.S. Department of Labor's Wage and Hour Division the only remaining labor law enforcement mechanism in the state; and 3. a large percentage of the region's workers are not covered under the Fair Labor Standards Act because they work for an employer who employs less than five employees or whose business does not generate more than \$500,000 annually, leaving the U.S. Department of Labor Wage and Hour Division with no jurisdiction to protect these workers.

Research interviews conducted by the Research Institute on Social and Economic Policy at Florida International University in 2007, revealed that employers who were practicing wage theft fell into two categories: they were either unaware of labor laws, such as the actual federal or state minimum wage, or they were knowingly committing wage theft.<sup>8</sup> Most of these unscrupulous employers often paid their employees in cash, far below the minimum wage, or misclassified their workers as independent contractors to avoid paying payroll taxes, such as social security, unemployment insurance and workers' compensation. These different types of wage theft violations give unscrupulous employers an incentive to reduce labor costs and create an unfair competitive edge over honest employers. A report written by the National Employment Law Project found that misclassifying workers has become a business model found not only in the agriculture industry but also in other industries and occupations such as construction, day labor, domestic work, and home health care.

Aside from wage theft violations, the RISEP study also found that the employers who intentionally practiced wage theft also tended to violate national workplace health and safety standards. For example, workers misclassified as independent contractors and hurt on the job were not entitled to workers' compensation. They had to pay their own medical expenses, which often resulted in unpaid leave as a result of their injury.

Weak enforcement of labor laws throughout the United States and particularly in Florida makes it unlikely that employers who violate labor laws, even those who do so willingly and repeatedly, will be held accountable.

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<sup>7</sup> Bernhardt et al, 2009. Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America's Cities.

<sup>8</sup> Alejandro Angee and Cynthia S. Hernandez. "Seeds of Justice: Combating wage theft among South Florida's plant nursery workers." The National Association for the Practice of Anthropology Bulletin, 2007. A copy of this paper can be found at: <http://www.risep-fiu.org/2007/10/planting-seeds-of-justice/>

## Where Does the Data Come From?

The data presented in the following part of this report comes from three sources: We Count!, El Sol Neighborhood Resource Center, and the Wage and Hour Division (WHD) of the U.S. Department of Labor (DOL) enforcement data from Miami-Dade and Palm Beach counties. The data from these organizations are derived from complaints presented to them by workers and, to the best of our knowledge, these cases do not overlap. In other words, the data reported by one agency is not also reported by another.

RISEP worked with the community-based organizations to standardize their data intake forms and the data they collect from each individual with a wage violation claim. RISEP analyzed the WHD data and consulted with representatives of the WHD to be sure we were interpreting their enforcement data correctly.

We Count!<sup>9</sup>, a founding member of the WTTF, is a multiethnic organization in the area of Homestead, Florida, that works to achieve social and economic justice by bringing immigrants, students and working people together to inform themselves about their rights, support each other, develop their leadership, and take action to improve their lives. Over the past four years WeCount! has worked with workers to recover wages owed to them and is launching a campaign called "Mi Trabajo Vale!" (My Work is Valued!), to encourage Latin American immigrant workers to denounce wage theft. The organization's level of trust among workers in the area has resulted in a backlog of cases since 2006, which are presented in this report.

The El Sol Neighborhood Resource Center is located in Jupiter, Florida in Palm Beach County. It opened its doors in August of 2006 out of the need to give a voice to the voiceless and faceless immigrant population that has been growing in and around Jupiter. El Sol's core service is the Day Labor Program, in which workers come to the center and are registered and categorized by skill levels. This model provides a safe and efficient solution to unemployed laborers looking for work, and to contractors and homeowners needing workers. In the Jupiter area, El Sol is trusted by many low-wage workers who increasingly are presenting their cases of wage violations to the organization.

The U.S. Department of Labor's Wage and Hour Division (WHD) is responsible for administering and enforcing some of the nation's federal labor laws, which include federal minimum wage, overtime pay, recordkeeping, and child labor requirements under the Fair Labor Standards Act. The WHD administers and enforces the laws regardless of immigration status. These laws cover most private, state and local government employment. However, there are many workplaces, particularly in Florida, with employees who fall outside of the WHD jurisdiction, and who are thus among the most vulnerable to wage violations.

In 2009, an investigative report issued by the U.S. Government Accountability Office (GAO) found that the WHD of the DOL needed to improve their investigative and administrative processes because they were not adequately responding to wage violations and as a result were leaving low-wage workers vulnerable to wage theft and other labor law violations<sup>10</sup>

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<sup>9</sup> We Count! is located in Homestead, Florida, which is home to thousands of agricultural workers, mostly from Central America and Mexico. The majority of them have settled in this far southern corner of Florida because of jobs in the rich agricultural industry in the area.

<sup>10</sup> Government Accountability Office, Report to the Committee on Education and Labor, House of Representatives. June 2009.

Following the release of the GAO report and the increasing awareness of rampant wage theft violations, the incoming Secretary of Labor, Hilda Solis, created a bi-partisan national effort to educate workers of their labor rights known as the "We Can Help Campaign".<sup>11</sup> A criticism of this campaign, however, is the lack of effort to directly educate employers on labor laws.

The DOL's WHD did, though, begin to publish enforcement data on wage violators throughout the country as an initiative to increase public awareness and reduce the incidence of wage violations. The WHD data used for this report contains all concluded WHD compliance actions for the six quarters from September 2008 through March 2010 for Miami-Dade and Palm Beach counties. It includes the employers who violated labor laws, the violations that were found, the number of employees who filed complaints, and the money that was agreed to be paid to employees by the violating employers.

Although the data presented in this report that emanates from WeCount! and El Sol is from the period August 2006 to August 2010, the data from the WHD is only available for the period of September 2008 to March 2010. There are other ways that the data on individual cases reported from these three sources is different and in this report we are careful to point out these differences to the reader. One example of a difference is that the Wage and Hour Division reports only those wages agreed by the employer to be paid back, whereas WeCount! reports the claim of lost wages from the employee as well as the amount of wages recovered from employers. El Sol records only the claims for lost wages made by employees. In spite of these reporting differences it is possible to make significant counts of numbers of victims and to derive the financial impact of wage violations. In the coming months we will add new cases from these three organizations and other organizations throughout Florida that are receiving and reporting complaints of wage violations.

### **Industries and Occupations Experiencing Wage Violations**

Table 1 shows the number of employees reporting wage violations categorized by the industry and occupation in which they worked. The industries were categorized using the North American Industry Classification System (NAICS), while the occupations were listed to describe the wage cases collected by We Count! and El Sol, from the period of August 2006 until August 2010. The information from the Florida Wage and Hour Division offices in Miami-Dade and Palm Beach Counties was documented for the shorter period from September 2008 through March 2010.

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<sup>11</sup> United States Department of Labor website, [www.dol.gov](http://www.dol.gov)

**Table 1. Number of Wage Violations Reported by Industry and Occupations**

Industry	Miami Dade County		Palm Beach County		Totals
	We Count!	WHD	El Sol	WHD	
Accommodation & Food Services	2	490	7	246	745
Construction	123	170	51	120	464
Health Care & Social Assistance	0	347	0	87	434
Administrative & Support & Waste Management & Remediation Services	0	303	0	15	318
Transportation & Warehousing	0	213	0	65	278
Manufacturing	0	190	0	11	201
Retail Trade	0	104	2	74	180
Information	0	160	0	3	163
Agriculture	8	20	0	96	124
Educational Services	0	109	0	4	113
Arts, Entertainment, & Recreation	0	17	0	82	99
Cleaning Services	7	63	21	8	99
Plant Nursery	53	13	29	4	99
Other Services	2	10	1	63	76
Auto Services	4	60	0	10	74
Management of Companies & Enterprises	0	41	0	13	54
Wholesale Trade	0	29	0	18	47
Finance & Insurance	0	42	0	4	46
Professional, Scientific, & Technical Services	0	24	1	16	41
Real Estate & Rental & Leasing	0	2	0	4	6
Missing Industry/ Occupation Info	0	0	36	0	36
<b>Totals</b>	<b>199</b>	<b>2407</b>	<b>148</b>	<b>943</b>	<b>3697</b>

Source: We Count! and El Sol data, DOL, WHD Enforcement data.

In Table 1 it can be seen that the highest number of wage violation complaints were documented for workers in the *accommodation and food services* industry, which includes many low-wage workers with jobs in hotels, food serving establishments, and casinos. The vast majority of these cases were documented by the WHD, and nine complaints from workers in this industry were also documented by the community-based organizations. The table shows that workers in other industries are also frequently victims of wage violations.

Workers in the *construction industry* had the second highest number of wage violations (464), closely followed by the *health and social assistance industry* (434). A great majority of the employees working in the health and social assistance industry were nurses' aides, home health care workers, and other health care aides working in health care facilities. Under the *administrative and support, and waste management, and remediation service industry* (318), security guards, solid waste collectors, telemarketers, and temp agency workers made up a large percentage of the affected employees. Employees, who made up the *educational services industry* (113), were mainly early child care educators, private school teachers, and staff working in colleges and universities, while employees who made up the *arts, entertainment, and recreation industry* (99), were musicians, dance and theatre groups, and amusement park employees. The majority of cases in the *professional, scientific and technical service industry* (41) were reported by employees working in law, accounting, and veterinary offices.

From Table 1 we can see that the highest concentrations of affected employees are the ones who are employed in the low-wage service industries, such as accommodation and food services and construction. The grand total of employees who reported verifiable wage violations for both counties was 3,697 between August 2006 and August 2010. This is an average of 924 victims of wage violations per year in only two of Florida's counties.

### Back Wages Owed and Back Wages Paid

In this next section we present the amount of wages that were owed as reported by We Count! and El Sol, and the wages recovered by We Count!. El Sol refers the majority of its cases to private attorneys, thus El Sol is unable to track how much of the lost wages is paid back by employers. In this section we also present the wages recovered by the WHD. The WHD does not publish data on wages claimed by employees.

Table 2 shows the total amount of back wages owed to workers reporting their cases to We Count! and El Sol between August 2006 and August of 2010. In that period 347 workers reported their cases of wage violations to these organizations. The total of back wages owed during the 4 year period was \$408,672.09. We Count! was able to recover \$ 65,196.72 from offending employers. This amount represents 25.6 percent of the total owed (\$255,021.91) in the cases reported to WeCount!. The total amount of back wages still owed to workers is \$189,825.19. We Count! uses several methods for recuperating wages, including direct phone calls and sending certified letters to offending employers, direct visits to businesses, and shame public campaigns.

**Table 2. Back Wages Owed and Back Wages Paid  
among Cases Reported to We Count! and El Sol  
(August 2006 - August 2010)**

	Back Wages Owed	Back Wages Paid
We Count!	\$255,021.91	\$65,196.72
El Sol	153,650.18	n/a*
Total	\$408,672.09	n/a*

Source: We Count! and El Sol reported cases. \*Information not available

As mentioned previously, El Sol refers the majority of its cases to private attorneys and is unable to track how much in lost wages is paid back by employers. However, if we hypothesize that the recuperation rate is similar to the 25.6% recovery rate for the cases reporting to We Count!, then approximately \$39,281 would have been paid to workers reporting their wage violation cases to El Sol. This amount, however, remains purely speculative in the absence of data on recuperated back wages for these victims who reported their claims to El Sol in Palm Beach County.

Table 3 shows back wages paid to employees both in Miami-Dade and Palm Beach Counties, as reported by the Wage and Hour Division (WHD) of the U.S. Department of Labor, from September 2008 to March 2010. Information for wages claimed is not available for the cases reported by WHD. In Miami-Dade County, the WHD reported over \$2.6 million dollars in wages, had been recuperated and paid employees. In Palm Beach County the total amount reached nearly a million dollars for the same time period.

**Table 3. Back Wages Paid as reported by the Wage and Hour Division in Miami-Dade and Palm Beach County (Sept.2008-March 2010)**

<b>Wage and Hour Division</b>	<b>Back Wages Paid</b>
Miami-Dade County	\$2,619,719.77
Palm Beach County	\$947,804.64
<b>Total</b>	<b>\$3,567,524.41</b>

Source: DOL, WHD Enforcement Data

The total amount of wages that were recovered by the WHD and paid to employees in both counties was over \$3.5 million. While a significant amount, this assuredly is less than the total amount of wages lost by employees reporting their cases of wage violations to the WHD, because a large percentage of South Florida's agriculture and service workforce are employed in workplaces that are excluded from federal and state labor laws and, consequently, fall outside the jurisdiction of the WHD.

We know, for example, that We Count! referred several workers' cases to the WHD office in Miami but those cases were dismissed by the WHD because they were outside the agency's jurisdiction. As mentioned earlier, the U.S. Department of Labor's Wage and Hour Division jurisdiction covers those employed in businesses that have more than five employees, and those working in businesses that generate more than \$500,000 in annual gross income or are involved in inter-state commerce. Some of these workers whose complaints were dismissed by the WHD included workers in plant nurseries, landscaping, agriculture, day laborer and domestic service.

Table 4 presents the total number of employees who registered wage complaints, the total number of employees who received some or all of their wages, the total number and percentage of employees who were never paid, and the wages that offending employers agreed to pay, as documented by We Count! and the WHD in Miami-Dade and Palm Beach Counties. It is important to note, once again, that El Sol does not report the amount that was paid back to affected employees, and consequently, El Sol's cases are not represented in Table 4.

As we mentioned earlier in this report, the amount of back wages paid under-represents the higher actual amount of money that is claimed by affected employees, since the total number of employees who received some or all of their wages (2,971) is less than the total of employees who registered wage complaints (3,549). As Table 4 shows, the *Plant Nursery* occupation had the highest percentage of workers (76%) who were not paid wages owed. The *Educational Service* industry followed (48%); a large percentage of the workers who were part of this industry included early child care educators and other private school teachers. The *Construction* industry had the third highest percentage of workers losing wages at 46%, many of whom were day laborers. The *Wholesale Trade* industry was the only industry in which all the workers (n=47) who had registered complaints were paid.

**Table 4. Number and Percentage of Employees Paid, per Industry and Occupations  
(We Count! and WHD)**

Industry	No. of employees registering wage complaints*	No. of employees receiving some or all of their owed wages**	No. of employees who were not paid***	Percent of employees who were not paid	Wages Paid*****
Plant Nursery	70	17	53	76%	\$29,362.49
Educational Services	113	59	54	48%	\$72,866.32
Construction	413	222	191	46%	\$327,906.40
Retail Trade	178	110	68	38%	\$94,767.75
Finance & Insurance	46	34	12	26%	\$10,796.74
Transportation & Warehousing	278	226	52	19%	\$193,888.47
Real Estate & Rental & Leasing	6	5	1	17%	\$1,330.25
Arts, Entertainment, & Recreation	99	86	13	13%	\$392,257.99
Accommodation and Food Services	738	647	91	12%	\$771,386.34
Auto Services	74	67	7	9%	\$34,648.69
Agriculture	124	115	9	7%	\$9,289.64
Other Services	75	71	5	7%	\$65,367.69
Cleaning Services	78	75	3	4%	\$167,150.10
Health Care & Social Assistance	434	423	11	3%	\$343,758.97
Professional, Scientific, & Technical Services	40	39	1	3%	\$19,089.44
Management of Companies & Enterprises	54	53	1	2%	\$76,081.41
Information	163	161	2	1%	\$356,453.86
Manufacturing	201	199	2	1%	\$93,061.84
Administrative & Support & Waste Management & Remediation Services	318	315	3	1%	\$471,993.33
Wholesale Trade	47	47	0	0%	\$101,263.41
<b>Total</b>	<b>3549</b>	<b>2971</b>	<b>579</b>	<b>16%</b>	<b>\$3,632,721.13</b>

\*This column represents the total number of employees who registered wage complaints from WeCount!, and the U.S. DOL cases in Miami-Dade and Palm Beach Counties.

\*\* This column represents the total number of employees from WeCount!, and the U.S. DOL in Miami-Dade and Palm Beach Counties, who were paid by offending employers.

\*\*\*The amounts in this column are calculated by subtracting the total number of employees who registered wage complaints from the total number of employees to whom offending employers agreed to pay. In this column we do not include wages claimed by employees registering their claims with El Sol because it is not known how much was recuperated in lost wages for these employees.

\*\*\*\*\* This column is the cumulative wages agreed to be paid by employers in the cases being handled by the U.S. DOL in Miami-Dade and Palm Beach Counties as well as the wages recuperated for the employees reporting their cases of wage violations to WeCount!. Not included in this column are the wages recuperated for the employees who reported their lost wages to El Sol because this data is not available.

## **Conclusion**

The negative effects of illegally shortchanging workers' wages ripple across communities and the economy. Families suffer when earnings are too low to meet basic needs. Local businesses and economies are denied vital stimulus that would flow from the additional spending of workers had they been paid all they had earned.<sup>12</sup> Honest businesses are undermined by unscrupulous competitors who practice wage theft. And governments at all levels take a hit, because they are denied tax revenues generated by higher earnings and because many working families must resort to public programs to meet basic needs when wages fall short.

This report shows that community-based organizations and the Department of Labor's Wage and Hour Division can be successful at assisting workers in recovering wages, but will not be able to resolve all cases due to the sheer volume of cases. In addition, the WHD has limited jurisdiction and does not cover all workers. Because much of Florida's workforce population falls outside of the WHD's jurisdiction, other enforcement mechanisms such as Miami-Dade's Wage Theft Ordinance, which does cover all workers, are needed to ensure that workers, communities, and local governments will not miss out on the \$3,672,721.<sup>13</sup> that We Count!, WHD and Miami's SBD has collected in back wages. The additional effect of local governments creating these mechanisms is that the message to unscrupulous employers becomes very clear -- wage theft will not be tolerated -- and while that message does need to be sent at the local, state, and federal levels, it begins at the local level if we are to see a true change in attitude amongst employers who have been using this business model unchecked for years.

## **Recommendations**

The following section lays the foundation for six concrete solutions identified by the Florida Wage Theft Task Force critical to reducing and eliminates wage and hour violations in the state of Florida. Some recommendations focus on existing laws and regulations while others propose to reform current legislation. The Wage Theft Task Force believes that public policy, as implemented by Florida's state and local governments, has a fundamental responsibility to protect Florida's workers against wage and other workplace violations.

### **The Creation of Other Wage Theft Ordinances at the Local Level**

The U.S. Department of Labor's Wage and Hour Division cannot be the sole enforcement mechanism in the state of Florida because of its limited jurisdiction. Other county agencies need to create local wage theft ordinances, such as the Miami-Dade ordinance, to protect their county budgets, ethical employers, residents, and communities from the effects of wage theft.

### **Encourage the Florida Attorney General to Improve the Enforcement of the Minimum Wage and other Workplace Protections**

The Florida Attorney General may bring an enforcement action to enforce the state minimum wage; however, to our knowledge, this has never been done. In an effort to protect Florida's workforce from wage theft and other labor violations, the state attorney general must enforce Florida's labor laws and be allotted the resource to do so.

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<sup>12</sup> Bobo, Kim. Wage Theft In America: Why Millions of Working Americans Are Not Getting Paid - And What We Can Do About It, 2009

### **Encourage the Right to Organize**

Empirical research has shown that unions improve wages and benefits to workers, especially minority and low-wage workers. Wage theft becomes almost impossible in unionized workplaces, because the wages specified in a union collective bargaining agreement are legally enforceable and are guaranteed through union enforcement procedures. Employers must allow for workers to negotiate contracts through unionization because increased unionization is a right step towards protecting workers against wage theft.

### **Labor Education and Protection to All Workers, Regardless of Immigration Status**

Federal and state labor protection laws do not exclude undocumented workers and, thus, are enforced and administered regardless of immigration status. However, many undocumented workers rarely speak out against workplace abuses to avoid threats, harassment, unemployment, or even deportation. Undocumented workers are the most susceptible to workplace violations.<sup>13</sup> One of the most comprehensive responses to wage violations is to have workers who, regardless of immigration status, know their labor rights and are not afraid to speak out against offending employers. Consequently, workers should not be penalized for speaking out and employers must not be allowed to retaliate against an employee, regardless of immigration status, if they demand or file an unpaid wage claim. In addition, undocumented workers should be protected from deportation throughout the process of any a wage violation filed on their behalf. Employers must also be familiar with labor laws and must be aware that the penalties for breaking them will be strict.

### **Expand FLSA to cover all Workers**

The Fair Labor Standards Act (FLSA) does not cover many workers, who are the most marginalized and vulnerable to workplace violations like day laborers, agriculture, and domestic workers. FLSA needs to be expanded to cover all workers who do not currently have labor protections.

### **Re-Establish a Florida Department of Labor**

Government regulations and enforcement mechanisms are crucial to ensuring that workplace violations are not a commonly practiced business model. To do this, the state of Florida needs to restore the Department of Labor. Without enforcement mechanisms in place, Florida will continue to experience a large number of wage and hour, and other workplace violations.

**Florida must find the political will to protect workers and honest employers from wage theft, a growing illegal practice with negative implications for local and state level economic health and growth.**

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<sup>13</sup> NELP. Just Pay: Improving Wage and Hour Enforcement at the United States Department of Labor, 2009.

# Wage Theft in South Florida

## El Robo de Salario

En el sur de la Florida

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By the Clerk for the record.

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Exhibit 5

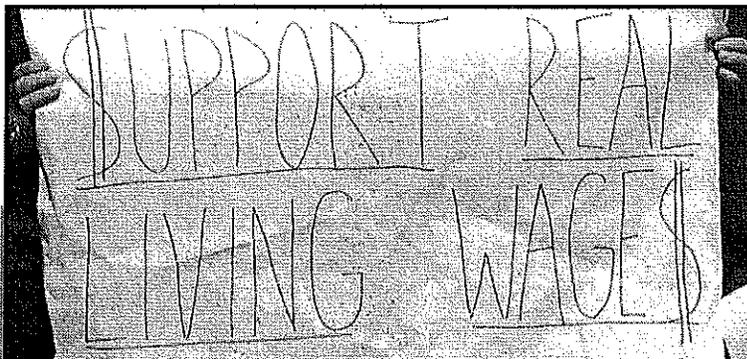
Meeting



The South Florida Wage Theft Task Force

# THE SOUTH FLORIDA WAGE THEFT TASK FORCE

The South Florida Wage Theft Task Force (WWTF), was formed in 2007 to increase public awareness of wage theft through advocacy and research, educate workers about their rights, respond to cases of wage theft, and press for systemic change. The Task Force is comprised of several member organizations from legal services, private attorneys, immigrant rights, labor unions, university researchers, faith-based organizations, and concerned residents. The WWTF has received recognition from national organizations such as the National Employment Law Project for our innovative work against wage theft and is looked to as a model for change in other parts of the country.



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# LA COALICION CONTRA EL ROBO DE SALARIO

La Coalición Contra el Robo de Salario (WTF), fue formada en 2007 para aumentar la conciencia pública de robo de salarios, la abogacía y la investigación, educar a los trabajadores sobre sus derechos, responder a los casos de robo de salarios, y presionar por un cambio sistémico. La coalición representa a varias organizaciones de servicios jurídicos, abogados privados, sindicatos, derechos del migrante, investigadores de la universidad, organizaciones religiosas, y los residentes afectados. El WTF ha recibido el reconocimiento de varias organizaciones nacionales como la National Employment Law Project por sus trabajos innovados contra el robo de salarios y la coalición es vista como un modelo para reforma en otras partes del país.



# What is Wage Theft?

When workers are paid below minimum wage, not paid for overtime they have worked, have their time cards altered by supervisors or are forced to work off the clock, that is wage theft. Certain categories of workers are particularly vulnerable to wage theft, especially hourly workers, immigrant workers, day laborers, domestic workers, and tipped workers.

Wage theft is a growing problem across America and in Florida, as employers seek to cut costs. A recent survey by researchers at the University of Illinois-Chicago found that two-thirds of workers surveyed experienced a pay violation in a given week. And in the last several years, at least 39 lawsuits have been filed against Wal-Mart, resulting in tens of millions of dollars in back wages paid to workers, for wage theft abuses such as erasing hours from workers time-cards, forcing employees to work off the clock, failing to pay overtime, and denying employees rest and lunch breaks.

The problem is especially acute in South Florida because of jobs our tourism and service sector based economy which supports mainly low-wage and hourly jobs, and the large numbers of immigrant workers who are vulnerable to exploitation and may be unfamiliar with their labor rights. However all workers have a legal right to the wages they have earned, regardless of their immigration status. Florida no longer has a Department of Labor and the Federal Department of Labor has only limited capacity for the entire region south of Okeechobee. Some employers exploit their workers' vulnerabilities or may be unfamiliar with U.S. and Florida fair wage and labor laws, and many immigrant workers have or believe they have no recourse, legal or otherwise.

Workplace abuses occur for immigrants and U.S. born workers alike, however immigrants are often more vulnerable because they fear retaliation from supervisors or are not as familiar with the laws. Research done by the Research Institute on Social in the plant nursery industry in South Florida, shows that workers in some plant nurseries are consistently asked to work off the clock and are asked to buy their own safety equipment. Furthermore, an analysis of wage theft cases documented by We Count! —a multi-ethnic community organization based in the southern part of Miami-Dade County, found that nearly 100 workers were owed over \$100,000 in unpaid wages. Undocumented workers often remain silent about wage theft because they fear repercussion if they complain, while many U.S. workers fear that retaliation against workplace violations could result in their termination. Weak enforcement of labor laws in Florida makes it unlikely that employers who violate the laws will be held accountable.

This booklet presents real stories of workers in Miami who have been robbed of their wages. We hope to raise awareness of this problem, to educate workers and employers about the right to fair pay, and to propose solutions that will empower workers to seek justice.

# Que es el Robo de Salario?

El robo de salario es cuando trabajadores: son pagados menos del salario mínimo, no han sido pagados por horas extras, tienen sus tarjetas de tiempo manipuladas por sus supervisores o son forzados a trabajar fuera del relejo. Hay ciertas categorías de trabajadores que son más vulnerables al robo de salarios, especialmente trabajadores que les pagan por hora, migrantes, jornaleros, trabajadoras domésticas, y trabajadores que reciben propinas.

El robo de salarios es un problema que está creciendo por todas partes de los Estados Unidos y en Florida, especialmente cuando los empleadores tratan de cortar costos por la recesión económica. En un estudio reciente realizado por investigadores de la Universidad de Illinois-Chicago, descubrieron que dos tercios de los trabajadores encuestados experimentó una violación contra sus salarios en una semana determinada. En los últimos años, al menos 39 demandas han sido presentadas en contra de Wal-Mart, resultado en decenas de millones de dólares en salarios atrasados a los trabajadores. Los trabajadores fueron pagados por abusos de salarios, como borrando horas de las tarjetas de tiempo, forzando trabajo fuera del relejo, negándoles pago por tiempo extra, y negando descansos y recreos de almuerzos.

El problema es especialmente grave en el sur de la Florida debido a los trabajos de nuestra industria turística y economía basada en el sector de los servicios que se apoya principalmente de bajos salarios y de trabajos que pagan por hora, y además el gran número de trabajadores migrantes que son vulnerables a la explotación y pueden ser no estar familiarizados con sus derechos laborales. Sin embargo, todos los trabajadores tienen un derecho legal por sus salarios que han trabajado, independientemente de su estatus migratorio. Florida aún no tiene un Departamento de Trabajo y el Departamento Federal de Trabajo tiene una capacidad limitada, sólo varios investigadores de la región sur de Okeechobee. Algunos empleadores se aprovechan de las vulnerabilidades de sus trabajadores o quizás no están familiarizados con las leyes laborales o salarios justos de los Estados Unidos y de Florida. Y muchos de los trabajadores migrantes tienen o creen que tienen pocos o ningún recursos.

Abusos laborales existen para migrantes y Americanos, pero los migrantes son más vulnerables porque tienen miedo de represalias que su jefe puede tomar y quizás no están familiarizado con las leyes. Investigadores del Instituto de Investigación Social y Política Económica en la Florida International University, realizó un proyecto de investigación en 2007 para investigar la extensión de robo de salarios en la industria de viveros de plantas del sur de Florida. Sus resultados muestran que la mayoría de los trabajadores que entrevistaron habían experimentado una forma de robo de salario y muchos tenían que pagar por sus propios equipos de seguridad. Un análisis de los casos documentados de el robo de salarios por We Count!, una organización multi-étnica de la comunidad basada en el sur del Condado Miami-Dade, encontró que cerca de 100 trabajadores fueron ser debidos más de 100.000 dólares en salarios. Muchas veces trabajadores indocumentados se quedan callados por el temor de que sus jefes se desquiten, si se quejan. Mientras que muchos trabajadores Americanos expresan temor a quejarse con sus empleadores por el medio de perder sus trabajos. Las leyes laborales en la Florida son muy débilmente aplicadas, resultando en que los empleadores que violan las leyes no tendrán que rendir cuentas.

Este folleto presenta historias reales de trabajadores en el sur de la Florida que han sido víctimas del robo de salario. Esperamos crear conciencia de este problema, para educar a los trabajadores y los empleadores sobre el derecho a un salario justo, y proponer soluciones que permitan a los trabajadores a buscar justicia.

## Ana

Ana is 32 years old, a native of Costa Rica, and has lived in the U.S. for seven years. She was working as a housekeeper when she became a victim of wage theft.

I found the work through an ad in a laundry. I started to work as a housekeeper, earning \$8.50. I worked for two years. We never received overtime, which is how we knew they were stealing from us, since I worked many hours a week, more than 50 hours. There were many other people affected, and when we complained about missing hours, they got upset and never fixed it.

That was the way they intimidated people through the conditions, since they knew we didn't have papers. For that reason all the people kept quiet, because we are mothers of families. I have three children and I don't have anyone else in this country, so I preferred to bear the humiliations over them firing me, because my children need to eat and have clothes to wear and a home to live in. That's why I have worked hard but I never imagined that I would find Latinos, like me, who would humiliate me.

An example of a humiliation that I heard from the mouth of the people running the company I worked for-- it was that she wanted to adopt a black child so that when she was older she would make him her slave. That affected me because he was a human being the same as all of us, but that was the deal for people without papers.

Then I finished with that company, because their way of doing business was very ugly, and I started to look after elderly people. And then I went on to many other jobs. One day I realized that a group of lawyers at the Florida Immigrant Advocacy Center was helping people reclaim the money this company had stolen from them, and I went to see them. I filled in my form, like many other people, and thanks to God, they helped me. I and many other people managed to reclaim money that we once earned with a lot of work.

The effort of these lawyers to understand Spanish, which is our language, is an admiration for me, because you can see the love and the humanity that they had for everyone.



## Ana

Ana tiene 32 años, nació en Costa Rica y ha vivido en los Estados Unidos por siete años. Ella está trabajando como housekeeper cuando fue víctima del robo de salarios.

Encontré el trabajo por un anuncio en un Laundry. Empecé a trabajar de Housekeeper ganando \$8.50. Trabajé dos años. Nunca recibimos overtime por lo que sabíamos que nos robaban, ya que trabajaba muchas horas a la semana, más que 50 horas. También habíamos muchas personas más afectados, y cuando reclamábamos horas que faltaban, se molestaban y nunca lo arreglaban.

De tal manera que lo intimidan a las personas por las condiciones de uno ya que ellos sabían que no teníamos papeles. Por esa razón todas las personas nos quedábamos calladas porque somos madres de familia, como yo que tengo tres hijos y no tengo a nadie más en este país, y prefería aguantar las humillaciones a que me despidieran, ya que mis hijos necesitan alimentarse y vestirse y tener un hogar para vivir. Por esta razón yo he trabajado duro pero nunca imaginé que iba a encontrar a personas latinas igual que yo que humillaran.

Un ejemplo de una humillación que escuché de la boca de las personas encargadas de la compañía que trabajaba: era que ella deseaba adoptar a un niño de la raza negra para cuando ella estuviera vieja lo iba a poner de esclavo. Eso me impactó ya que era un ser humano igual que todos, pero igual era el trato para las personas sin papeles.

Luego terminé con esa compañía, ya que su manera de tratar era muy fea, y me puse a cuidar a personas mayores. Y así pasé a muchos otros trabajos. Un día me di cuenta de que un grupo de abogados estaba ayudando a recuperar el dinero que esta compañía le había robado a las personas, y fui hacia ellos. Llené mi formulario, y muchas otras personas, y le doy gracias a Dios que ellos me ayudaran. Pudimos recuperar yo y muchas otras personas dinero que un tiempo lo ganamos con mucho trabajo.

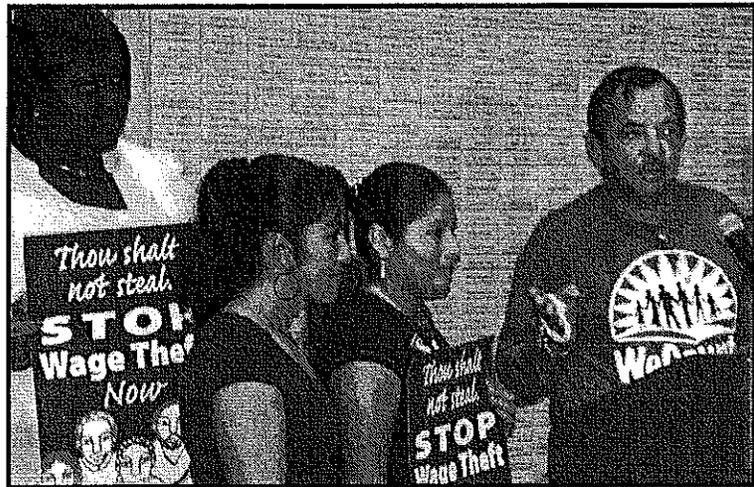
El esfuerzo de estos abogados por entender el español que es nuestra lengua es una admiración para mí, ya que se vio en ellos el amor y la humanidad que tenían para todos nosotros.

## Alberto

Richard, a county contractor, showed up in Alberto's neighborhood one morning, looking for workers. Alberto, a native of Guatemala who had lived in the U.S. for nearly 2 years, was excited to have a promise of work the next day. It would be a landscaping job on the Florida Turnpike and Richard would pick him and other men, who he had hired, up for work in the mornings.

Alberto worked from 5 a.m. to 10 at night, Monday through Saturday. Richard had told him that he would be paid \$70 per day, to be paid at the end of each week. Although Alberto's salary was far below minimum wage, Alberto felt grateful to have a steady job during the economic crisis.

At the end of the first week Richard, his employer, said that he did not have the money to pay for the work that Alberto had done but said that he would pay him the following week. Alberto refused to work any more without first being paid for the work that he had already done. His employer refused to pay him and no longer answered or returned Alberto's persistent phone calls. Alberto did not know how to locate his former employer because, Richard would drive from one neighbourhood to the next, offering jobs to different day laborers, when he needed help.



After seeking help from We Count! -a community organization that fights for the rights of immigrant workers in the southern part of Miami-Dade County- Alberto discovered that Richard was known to pick up day laborers and offer them jobs without ever paying them for their work.

Richard is known to avoid paying the workers he has hired, by refusing to pay the workers' their first week salary and then by making himself unreachable. Alberto was one of a group of four workers that were working on Richard's job that week, all of whom were never paid for their week of work.

## Alberto

*Ricardo, un contratista por el condado, llegó al vecindario de Alberto una mañana buscando a trabajadores. Alberto, un nativo de Guatemala quien llevaba viviendo en los Estados Unidos casi 2 años, se puso muy emocionando a la promesa de un trabajo. El trabajo sería en jardinería sobre la autopista de Florida, y Ricardo se encargó de recogerlo y a otros trabajadores que había contratado para trabajar, cada mañana.*

*Alberto trabaja desde las 5 a.m. hasta las 10 de la noche, de Lunes a Sábado. Ricardo le había dicho que le iba a pagar \$70 por cada día, y que le pagaba al fin de cada semana. Aun que el salario de Alberto era mucho menos del salario mínimo, Alberto se sentía muy agradecido por tener un trabajo fijo durante el crisis económico.*

*Después de la primera semana Ricardo, su empleador, le dijo que no tenía suficiente dinero para pagar por el trabajo que Alberto había echo, pero que tendría el dinero la próxima semana. Alberto negó de continuar con su trabajo si no le pagaba por el trabajo que ya había hecho. Su empleador rechazo pagarle y dejó de contestar sus llamadas y de devolver las llamadas de Alberto. Alberto no sabía como localizar a su ex-empleador porque, Ricardo manejaba de un vecindario a otro buscando a diferentes jornaleros, ofreciendo trabajos cuando necesitaba ayuda.*

*Después de que Alberto fue a We Count!, una organización comunitaria que vela para los derechos de los migrantes en el sur del condado de Miami-Dade- Alberto descubrió que Ricardo era conocido por recoger a jornaleros, ofrecerles trabajo sin pagarles.*

*Ricardo es conocido por no pagar la primera semana de trabajo a sus empleados y luego se hace inalcanzable. Alberto era parte de un grupo de cuatro otros trabajadores que había trabajado por Ricardo esa semana, y todos ellos tampoco fueron pagados por su semana de trabajo.*

## Mirta

Mirta is a native of Mexico and has lived in the U.S since 2000. Through her sister she found a job with a cleaning company that had contracts for cleaning restaurants and night clubs. Mirta worked seven days a week for this company, from 10pm-12pm the next day. She cleaned commercial kitchens, washed floors, stoves, ovens, extractor fans, and also cleaned the serving area of the restaurants. Every night she cleaned three restaurants; one in downtown Miami, and two in Ft. Lauderdale. She liked that it was not a complicated job, but didn't like that her supervisor reported to the boss that her group of workers were not prepared to work and were lazy.

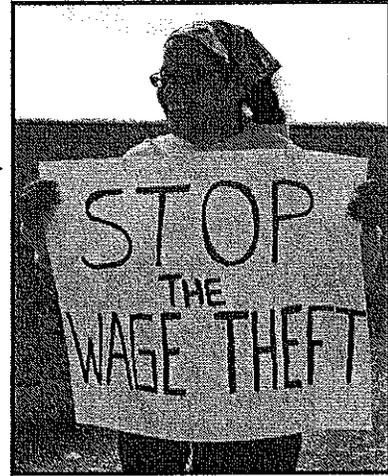
Mirta's co-worker drove her to the different work sites, and one night in June 2009 the police pulled him over and he was found to be driving without a license while Mirta was in the car with him. They were both arrested and jailed for the day. They released Mirta because she has three young children, but she had to wear an ankle bracelet to monitor her whereabouts. In addition, she was ordered to attend a deportation hearing in three months time. Her co-worker was deported within a month for not having legal working papers.

Mirta lives with her three children, who are all U.S. citizens, her mother and her sister (both also undocumented) but told the authorities she lived alone with the children to protect the other family members. After the arrest, Mirta called the cleaning company and told them that she no longer had transport to her work sites. Their response was that she could no longer work there, but they did not pay her last 15 days of work. When she went to claim her unpaid wages, the boss told her that he wanted her to leave his office and he didn't want to see her again. Mirta is currently awaiting immigration trial and is still owed her unpaid wages, including the overtime she worked that was never paid.



## Mirra

Mirra nació en México y ha vivido en los Estados Unidos desde el año 2000. A través de su hermana, pudo encontrar un trabajo con una compañía de limpieza que tenía contratos de limpieza con restaurantes y en clubes de noche. Mirra trabajaba por esta compañía, siete días a la semana, desde las 10 de la noche hasta las 12 PM del próximo día. Ella limpiaba cocinas comerciales, lavaba pisos, estufas y hornos, extractores de ventiladores, y también limpiaba las áreas de servicios en los restaurantes. Cada noche limpiaba tres restaurantes; uno en el centro de Miami, y dos en Ft. Lauderdale. Le gustaba su trabajo por que no era muy complicado pero no le gustaba que supervisor le había dicho a su jefe que su grupo de trabajadores no estaban preparados para trabajar y que también eran flojos.



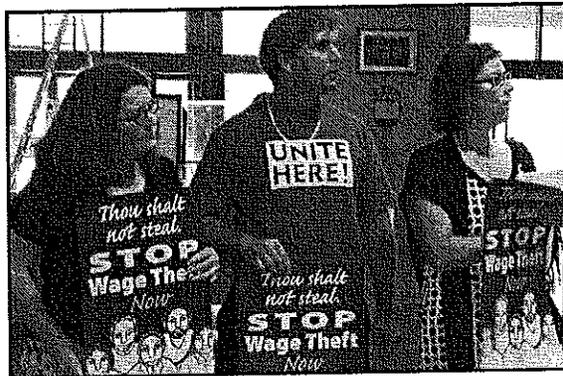
Un compañero de trabajo transportaba a Mirra a los diferentes sitios de trabajo. Una noche en Junio del 2009 cuando Mirra estuvo con el, la policía lo paro y descubrieron que estaba manejando sin licencia. Los dos fueron arrestados y encarcelados por el resto del día. Mirra pudo ser liberada porque era madre de tres niños pequeños, pero tuvo que usar un brazalete en su tobillo para observar sus movimientos. Y además de eso, Mirra fue ordenada a una audiencia de deportación en los próximos tres meses. El compañero fue deportado después de un mes por no tener papeles legales para trabajar.

Mirra vive con sus tres hijos, quien son ciudadanos Americanos, su madre y su hermana (las dos también son indocumentadas), pero Mirra les había dicho a las autoridades que vivía sola con sus hijos para proteger al resto de su familia. Después de ser arrestada, Mirra le llamo a la compañía de limpieza para decirles que ya no iba tener transporte a sus sitios de trabajo. Le dijeron que ya no podía trabajar para la compañía, pero nunca le pagaron sus últimos 15 días de trabajo. Cuando fue a reclamar por su salario debido, su jefe le dijo que tenia que salirse de su oficina y que nunca jamás la quería ver de nuevo. Mirra está actualmente esperando la decisión del juicio migratorio y todavía no ha sido pagada por su salario debido, incluyendo el tiempo extra que trabajó.

## Jim

Jim a native of Florida, is 31 years old and has been working since he was in high school. He has always been a very hard worker and has held several positions in various jobs after college. While searching for a long-term career, Jim worked in high pressure sales positions, restaurants, hotels, and held professional licenses. He dealt with disrespectful management, uncertain work schedules, and the general lack of employment stability that many working people face.

Jim worked as a bellman for 3 years in a Five-Star, luxury hotel . Although the constantly changing and long, work hours were sometimes tiring, Jim knew that he was making money and that his employer had other hotels in desirable areas that Jim considered places he could someday live. The hotel's management employed strict rules on its employees in order to sustain a luxury-business hotel that attracted successful international companies for conventions. Jim and the rest of hotel staff, knew that it would require hard work to satisfy the hotel's management.



However, management would constantly overstep boundaries and often ruled unfairly over the workers. Jim would be on lunch break in the employee cafeteria and his supervisor would rush down to the cafeteria to tell him to get back to work because business was picking up. Management expected employees to stop, right in the middle of eating, to return to work! As a tipped employee, Jim was told during busy times that he could stay “on the floor” to work—and earn extra tips, as long as he was working off the clock.

The most egregious situation was when the hotel staff worked a pre-paid conference from 7am until 11pm. The hotel administration made it clear that the staff were to refuse tips, as is general practice for a pre-paid convention, because they would be receiving contracted gratuity in their paychecks. Jim and his co-workers worked that 16 hour check-in shift without a break. When the paychecks arrived, there was no gratuity included in the paychecks. The administration told the staff that there was an error in the contract and that the group was booked as a non-pre-paid group. Jim and the other workers were now out over a thousand dollars!

Jim's manager told him, “You guys will get plenty of other groups so it all works out in the end.” This is how the five star, luxury hotel approached the problem of wage theft.

## Jim

*Jim, un nativo de Florida, tiene 31 años y ha trabajado desde que está en la preparatoria. Él siempre ha sido un trabajador muy bueno y ha tenido diferentes posiciones después de la Universidad. Mientras que Jim buscaba por una carrera a largo plazo, él trabajó en puestos de venta con mucha presión, restaurantes, hoteles, y además tenía licencias profesionales. Durante sus trabajos él experimentó con gerentes que eran irrespetuosos, horarios inciertos, y la falta general de estabilidad en el empleo que muchos trabajadores experimentan*

*Jim trabajó como portero por 3 años en un hotel de cinco estrellas, muy lujoso. Y aunque las horas eran largas y constantemente cambiando, Jim sabía que estaba ganando dinero. Además su empleador tenía otros hoteles en áreas donde Jim consideraba lugares en donde algún día podría vivir.*

*Las normas de la administración del hotel eran muy estrictas para sus empleados, porque el hotel necesitaba mantener su alta calificación como hotel de lujo. Y así el hotel continuaba atrayendo empresas internacionales para sus convenios. Jim y el resto del personal del hotel sabían que sería necesario trabajar duro para satisfacer las necesidades de la administración.*

*Sin embargo, la administración era constantemente injusta con los trabajadores. Jim a veces estaba en su hora del almuerzo en la cafetería para los trabajadores cuando su jefe corrió a buscarlo para decirle que regresara a trabajar porque el negocio estaba más ocupado. La administración esperaba que los trabajadores dejaran de comer y volvieran a trabajar! Como Jim era un empleado que recibía propinas como parte de su salario, la administración le decía que se quedara a trabajar para ganar más propinas pero que tenían que trabajar fuera del reloj.*

*El caso más notorio fue cuando el personal de botones trabajó una conferencia pre-pago de 7am hasta las 11 pm. La administración del hotel dejó en claro que el personal tenía que rechazar propinas porque como era una conferencia pre-pagada, iban a recibir sus propinas en sus próximos cheques de pago. Jim y sus compañeros trabajaron 16 horas sin descanso. Cuando llegaron los cheques de pago, no incluía las propinas pre-pagadas. La administración le dijo a sus empleados que había un error en el contrato y que el grupo fue registrado como un grupo no-pre-pagado. Jim y los otros trabajadores perdieron más de mil dólares!*

*El gerente de Jim le dijo: "Ustedes recibirán un montón de otros grupos y todo funcionará en el fin." Así es como el hotel lujoso de cinco estrellas se acercó al problema de robo de salario.*

## Silvia

Silvia, a 53 year old mother of 2, left Colombia in 1999, in search of a better life. By 2006, she was working in the service industry on Miami Beach. Silvia worked as a housekeeper, banquet server, dish washer and washed laundry. She would often work 14-16 hours per day and over 100 hours per week, during which her overtime wages went unpaid by her employer for over a year. Silvia never realized that she was entitled to overtime pay or that she was having her wages stolen.

While at work, Silvia had a slip and fall, which resulted in a serious injury to her neck and shoulder. Her employer first told her that they would reimburse all of Silvia's medical costs but after she had spent over \$2500, they told her that because she was an undocumented worker she would not be eligible for workers' compensation.

Silvia was devastated but she insisted that she be paid for her medical expenses. Her employer went so far as to threaten her. "They told me that they were going to call immigration to tell them where I lived. I had to change homes!" Finally, she went to seek help at the Florida Immigrant Advocacy Center, FIAC. With the help of local attorneys she was able to recover \$10,000 for part her unpaid wages and medical expenses. Through FIAC she was introduced to South Florida Wage Theft Task Force.



Since joining the WTTF, Silvia has participated in several leadership building activities. Silvia has become one of the wage theft spokespersons and has testified at county meetings, churches, forums and conferences. "Through the support from the Task Force, I have gained skills that have made me a leader. I have helped others by communicating my story to them, letting them know that they don't have to be afraid. I tell them that we are all human beings with rights, even us who are undocumented. Once they see what I have been able to accomplish with the help of local community organizations, then they start to realize that they don't have to be afraid."

## Silvia

*Silvia es una madre de 53 años madre de dos pequeños, dejó Colombia, en busca de una vida mejor. Cuando ella llegó a los Estados Unidos, su primer trabajo fue dentro de la industria de servicio en Miami Beach. Silvia trabajó como sirvienta, mesera en banquetes, lavadora de platos y ayudante en una lavandería automática. Con frecuencia trabajaba de 14 a 16 horas al día y más de 100 horas a la semana, no obstante que el dinero de su salario ganado de tiempo extra, no fue pagado en el transcurso de todo un año de trabajo. Silvia no estaba enterada que ella tenía derecho a recibir la paga por trabajar tiempo extra y que ella estaba siendo extorsionada por el robo a su salario.*

*Durante el tiempo que trabajaba, Silvia sufrió un resbalón resultado en una caída, con una seria lastimadura a su cuello y hombro. Su patrón le dijo que él se encargaría de reembolsar todos los gastos médicos de la empleada, después de que Silvia había pagado más de 2,500 dólares en gastos médicos, fue informada que el dinero de sus gastos no podía ser reembolsados, debido a su estado ilegal de migrante, ella no podía ser compensada.*

*Silvia estaba desbastada, pero insistió en que se le pagara la compensación de sus gastos médicos. Su jefe llegó incluso a amenazarla con informar a emigración de su paradero." Me dijeron que llamarían a emigración y les dieron mi dirección para ser deportada. Tuve que mudarme de mi casa!" Finalmente solicito ayuda en el Florida Imigrant Advocacy Center, FIAC. Con la ayuda de varios abogados locales pudo recuperar \$10,000 por parte de su salario perdido y por gastos médicos. Fue introducida a la Coalición de Robo de Salarios,, a través de FIAC.*



*Desde su incorporación al WTTF, Silvia ha participado en varias actividades que le han ayudado a ser un líder. Silvia se ha convertido en una de los portavoces de la Coalición y a presentado en varias reuniones del condado, iglesias, y conferencias. Gracias al apoyo de la Coalición, he adquirido conocimientos que me han hecho un líder. He ayudado a otros, contándoles mi experiencias haciéndoles saber que no tienen que tener miedo. Yo les digo que todos somos seres humanos con derechos, incluso nosotros que somos indocumentados. Una vez que vean lo que he sido capaz de lograr a través de la ayuda de organizaciones comunitarias locales,*

## Ricardo – A Success Story

*“My name is Ricardo, and I have been working in Miami as a telemarketer for nearly 10 years. Most recently, both my wife and I were employed by the same company where we were selling vacation packages to tourists wanting to visit Florida. We had only been working there for 3 months when the company unexpectedly closed. My wife and I, and all 4 of my co-workers, were never paid our last pay check. When we asked our employers about getting paid they responded that they didn’t have the money and that they would pay us back when they could. Weeks passed by and because they would not respond to our calls, it was clear that they did not have any intentions of paying us what we were owed.*

*I was owed \$350 and my wife was owed \$270. That total is \$ 620, which is almost what we pay for rent each month. That month was particularly difficult for us; we paid our rent late and spent very little on groceries. We had to use whatever little savings we had to make ends meet until we could find another job.*

*One day my wife and I were watching the local news station when a story came on about a new law passed by Miami-Dade, to help workers who had not been paid for their work. I wrote down the information and immediately called the Department of Small Business Development, which I later learned is the county office that oversees the Wage Theft Ordinance. I shared this information with my former co-workers and we decided to file wage theft complaints.*

*Less than 2 weeks after filing our complaints, the county was able to collect all of our owed money, which totaled \$3,315 between my co-workers, my wife and I. From what I learned, all it took was a letter from the Department of Small Business Development to get our employer to pay us back. It still makes me very angry to think that our employers knew that they were not going to be able to pay us but still had us working for them.”*

## Ricardo— Una Historia de Exito

*“Mi nombre es Ricardo, y yo e estado trabajando como teleoperador en Miami por casi 10 años. Recientemente, my esposa y yo estábamos empleados por la misma compañía donde estábamos vendiendo paquetes de vacaciones para turistas que querían visitar la Florida. Nosotros solamente habíamos trabajado allí por 3 meses cuando la compañía de repente se cerro. Mi esposa y yo le preguntamos a nuestros empleadores sobre el salario que nos debían y nos dijeron que no tenían dinero y que nos pagarían cuando pudieran. Pasaron semanas y semanas y porque no estaban respondiendo nuestras llamadas, era claro que no tenían ningunas intenciones de pagarnos lo que nos debían.*

*Me debían \$350 y a mi esposa le debían \$270. El total es \$620, que es casi lo que pagamos por alquiler cada mes. Ese mes en particular fue difícil para nosotros; pagamos tarde nuestro alquiler y gastamos muy poco en comida. Tuvimos que usar los ahorros pocos que teníamos para poder seguir adelante hasta que pudimos conseguir otro trabajo.*

*Un día, mi esposa y yo estábamos viendo las noticias locales por televisión cuando reportaron sobre una nueva ley pasada por Miami-Dade para ayudar a trabajadores que no habían sido pagados por su trabajo. Escribí la información y llame inmediatamente al Departamento de Pequeñas Empresas, que después aprendí que es la oficina del condado en cargo de la ordenanza contra el robo de salario. Yo compartí esta información con mis compañeros de trabajo y decidimos abrir un caso contra nuestro empleador por robo de salario.*

*Menos de 2 semanas después de llenar nuestra queja, el condado pudo recolectar todo el dinero que nos debían, que totalizaba \$3,315 entre todos los empleados, mi esposa, y yo. Yo aprendí que solamente una carta oficial del Departamento fue suficiente para que nuestro empleador nos pagara. Todavía me enoja mucho pensar que nuestros empleadores sabían que no nos iban poder pagar pero de todas formas siguieron empleándonos.”*

## Sonia— A Success Story

*“My name is Sonia and I have worked hard all of my life because I did not want to be poor like my parents. In college, I worked a full-time job while studying full-time to become an architect. When I graduated I was very happy to find a job right away because everything that I had worked hard for was finally paying off. I began working my way up at an architectural firm and, after four years, I became a project manager. Unfortunately, due to the downturn in the construction industry caused by the economic recession, the firm where I was working began to face financial troubles.*

*At first, my employer paid me a week behind and little by little my unpaid wages started accumulating until I was owed 3 months’ worth of wages, nearly \$7,000. I began to pay my rent late; I had overdraft charges that did not end, and I began to suffer from insomnia due to my financial stress. When I finally had the courage to approach my employer to let him know that I could not continue to work without getting paid—all he said was that the firm had no money to pay me. It was then that I decided that my labor was not free and I quit.*

*I went to seek help at the Department of Labor’s Wage and Hour Office, but after weeks of trying to submit a claim, they finally responded by saying that they could not help me because they only deal with minimum wage issues and not unpaid back wages. Luckily, they were able to refer me to the county’s Department of Small Business Development Office, which was able to immediately take on my case. The staff replied promptly to all of my emails and were very helpful. My case is scheduled to be heard by a hearing officer.*

*It would be a shame if this office suffers any budgetary cuts because not only might it take longer to have my case heard, but also because their work is invaluable to the county. I know of many other workers who have suffered from this type of abuse and the county needs to protect workers against employers who do not pay their employees.”*

## Sonia-Una Historia de Exito

*“Mi nombre es Sonia y yo he trabajado duro toda mi vida porque yo no quise ser pobre como mis padres. En la universidad, yo trabajé mientras estudiaba para ser arquitecta. Cuando me gradué, yo estaba feliz que pude encontrar un trabajo inmediatamente porque todo mi trabajo duro estaba dando frutos . Yo empecé subiendo de posición en una compañía de arquitectura y después de cuatro años yo era la gerente de proyectos. Desafortunadamente, gracias a la caída de la construcción causada por la recesión económica, la compañía donde trabajaba empezó a tener problemas financieros.*

*Al principio, mi empleador me pagaba una semana atrasada y poco a poco, el salario que no me había pagado se empezó a acumular hasta que me debía 3 meses de salario, casi \$7,000. Empecé a pagar el alquiler de mi casa tarde; tenía sobrecargos que nunca terminaban, y empecé a sufrir de insomnio por mi estrés económico. Al fin, cuando tuve el coraje de acercarme a mi empleador y decirle que no puedo seguir trabajando sin pago—lo único que me dijo es que la compañía no tenía dinero para pagarme. Fue allí cuando decidí que mi labor no era gratis y termine.*

*Fui a pedirle ayuda al Departamento de Labor, Salario, y Oficina de Horarios, pero después de varias semanas tratando de abrir un caso, al fin me respondieron que ellos no podían ayudarme porque solamente tratan con casos de salario mínimo y no salario que no te han pagado. Afortunadamente, ellos pudieron referirme a la Oficina del Departamento de Pequeñas Empresas del condado, y ellos pudieron tomar mi caso inmediatamente. Ellos respondieron rápidamente a todos mis emails y me ayudaron mucho. Mi caso esta listo para ser escuchado por un oficial.*

*Seria muy triste si esta oficina sufre cortes de fondos porque no solamente duraría mas tiempo para resolver mi caso, pero también porque su trabajo es invaluable para el condado. Yo conozco muchos trabajadores que han sufrido de este tipo de abuso y el condado necesita proteger trabajadores contra empleadores que no le pagan a sus empleados.”*

## Miami-Dade County Commissioners proclaim November 18th, 2010 as a Day Against Wage Theft!

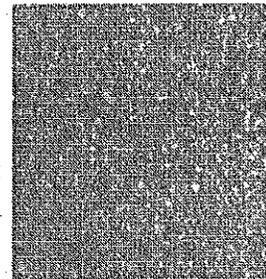
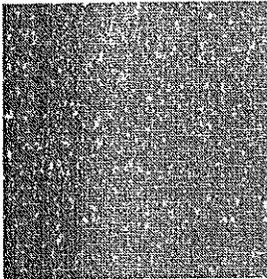
The Wage Theft Task Force was instrumental in drafting and passing the first county wide ordinance against wage theft in Florida.

### The Wage Theft Ordinance of Miami-Dade County

- The Wage Theft Ordinance of Miami-Dade County became effective on February, 2010. The mission of the ordinance is to eliminate and prevent wage theft. The ordinance protects all workers in Miami-Dade county (regardless of immigration status) from wage theft abuse.
- The Wage Theft Ordinance is enforced by the Department of Small Business Development (SBD), who also enforces the county's Living Wage Ordinance.
- The threshold for filing a claim is \$60 of unpaid wages and there is NO cost to filing a wage claim. The SBD will first attempt to conciliate any claims by notifying the employer of the filed claim and asking both parties to provide supporting documents. The burden of proof is on the employer: if he or she has not maintained payment records, the records of the employee will be used and may include notes kept or sworn statements from co-workers and others. Should SBD staff be unable to conciliate a claim, the case will be set with a hearing examiner. Additionally, the employer will now be liable to the county for the cost of the hearing examiner. The hearing examiners are retained to adjudicate a series of cases once a month. If a hearing examiner finds an employer guilty of wage theft, the employer will not only be liable for the original wages owed, but will also be liable for an additional amount equal two times the wages owed as compensation to the worker.

### How To File A Claim?

- Step 1: Print a [Wage Claim Intake Form](http://www.miamidade.gov/sba/forms.asp) from SBD  
website: <http://www.miamidade.gov/sba/forms.asp>
- Step 2: Fax the intake form along with any evidence to support your claim such as pay stubs, checks, receipts, or written schedule to Fax: 305-375-3160 or deliver the intake form in person to Miami Dade County, Department of Small Business Development, Stephen P. Clark Center, 111 N.W. 1st St 19th Floor, Miami, FL 33128



Miami Dade Commissioner Natasha Seijas speaks out against wage theft.  
Miami Dade Commissioner Natasha Seijas speaks out against wage theft.  
Natasha Seijas, comisionada de Miami Dade, habla contra el robo de salario.  
Natasha Seijas, comisionada de Miami Dade, habla contra el robo de salario.

## Los Comisionados del condado Miami-Dade proclaman el día Noviembre 18, 2010 como el Día Contra El Robo de Salario!

La Coalición Contra el Robo de Salario fue instrumental en la redacción y aprobación de la primera ordenanza contra el robo de salario en la Florida.

### La Ordenanza Contra el Robo de Salario

- La Ordenanza Contra el Robo de Salario del condado Miami-Dade entró en efecto en febrero 2010. La misión de la ordenanza es eliminar y prevenir el robo de salario. La ordenanza protege a todos los trabajadores en el condado Miami-Dade (sin importar el estatus de inmigración) del abuso de robo de salario.
- La ordenanza es aplicada por el Departamento del Desarrollo de Pequeñas Empresas (SBD), que también aplica la Ordenanza del Sueldo Para Vivir del condado.
- El mínimo para someter un reclamo de robo de salario es \$60.00 y NO existe un costo para someter un reclamo de salario. El SBD intentará de conciliar una queja primero notificando al empleador de la queja y pidiendo que ambas entidades proveen evidencia sobre el caso. La responsabilidad de presentar pruebas quedara con el empleador: si el empleador no ha mantenido records de pago, los records del empleado serán utilizados, incluyendo notas y declaraciones juradas por compañeros de trabajo u otros familiarizado con el caso. Si el personal del SBD no logra conciliar un reclamo, el caso se establecerá con un oficial de audiencia. Dado el caso, el empleador será responsable por el costo del oficial de audiencia. Los oficiales de audiencia son retenidos para adjudicar una serie de casos una vez al mes. Si el oficial de audiencia encuentra culpable al empleador de robo de salario, el empleador no solo será responsable por el salario debido, pero también tendrá que pagar una suma equivalente a dos veces lo que debía como recompensa al trabajador.

### Como Someter Un Reclamo de Robo de Salario?

Paso #1: Imprimir la forma llamada "[Wage Claim Intake Form Spanish](http://www.miamidade.gov/sba/forms.asp)" de la página web del SBD:  
<http://www.miamidade.gov/sba/forms.asp>

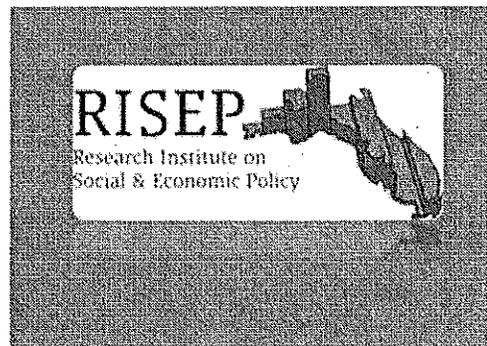
Paso #2: Mandar por fax la forma completada junto a copias de evidencia como comprobantes de pago, cheques, u horario al FAX: 305-375-3160

Entregar en persona la forma al Miami Dade County, Department of Small Business Development, Stephen P. Clark Center, 111 N.W. 1st St 19th Floor, Miami, FL 33128

*This collection of Wage Theft Stories was prepared by the [Research Institute on Social and Economic Policy](http://www.risep-fiu.org) at Florida International University for the **Florida Wage Theft Task Force***

*Read more on Wage Theft at:*

[www.risep-fiu.org](http://www.risep-fiu.org)



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TALLY

NOV 16 2010

Item 681

Exhibit 2

Meeting \_\_\_\_\_

November 16, 2010

**BOARD OF COUNTY COMMISSIONERS**

**APPOINTMENT OF CHAIRPERSON**

**ROUND 2**

**TOTAL**

	ROUND 2	TOTAL
Commissioner Barreiro		
Commissioner Bell		
Commissioner Diaz		
Commissioner Edmonson		
Commissioner Gimenez		
Commissioner Heyman		
Commissioner Jordan	1, 3, 2, 9	4
Commissioner Martinez	11, 10, 4, 8, 13, 6, 5, 12	8
Commissioner Monestime		
Commissioner Moss		
Commissioner Seijas		
Commissioner Sosa		
Commissioner Souto		

Submitted by Commissioner \_\_\_\_\_

*(Please sign ballot)*

Commission District Number \_\_\_\_\_



**MEMORANDUM**  
**OFFICE OF CHAIRMAN DENNIS C. MOSS**

MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS

**Downtown Office**  
111 NW 1<sup>st</sup> Street, Suite 220  
Miami, Florida 33128  
(305) 375-4832 | Fax (305) 372-6011

**District North Office**  
10710 SW 211<sup>th</sup> Street, Suite 206  
Miami, Florida 33189  
(305) 234-4938 | Fax (305) 232-2892

**District South Office**  
1634 NW 6<sup>th</sup> Avenue  
Florida City, Florida 33034  
(305) 245-4420 | Fax (305) 245-5008

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**Date:** November 16, 2010

**To:** The Honorable Vice-Chairman Jose "Pepe" Diaz and  
Members of the Board of County Commissioners

**From:** The Honorable Chairman Dennis C. Moss  
Miami-Dade County Board of County Commissioners, District 9

A handwritten signature in black ink that reads "Dennis C. Moss".

**Re:** Election of the New BCC Chair and Vice-Chair

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Please be advised that the procedure outlined below will be used to elect the next BCC Chair and Vice-Chair:

- **Nomination** – A Commissioner will be provided an opportunity to nominate himself/herself or a colleague. No second is required.
- **Presentation** – Each nominated Commissioner will be given an opportunity to make a three-minute presentation to the Board.
- **Ballot** – At the conclusion of the presentation, the Clerk of the Board will provide each Commission with one paper ballot to cast one vote for a nominated Commissioner.
- **Tally** – The Clerk of the Board will collect each ballot, tally and nominate the results. The successful nominee must obtain at least seven (7) votes.
- **Withdrawal from Consideration** – A nominee who wishes to withdraw his or her name from consideration may do so before any round.
- **Balloting** – If after the first round of balloting, no nominee obtains seven votes, only those nominees receiving at least two (2) votes will be considered for subsequent balloting. The nominee with the lowest vote tally after each balloting will be removed from further consideration. In the event two or more nominees have the same number of lowest votes, runoff(s) will determine which candidate will be removed from further consideration.
- **The selection of the Vice-Chair will be conducted in the same manner.**

**Cc:** Honorable Carlos Alvarez, Mayor  
Honorable Harvey Ruvin, Clerk of the Courts  
George M. Burgess, County Manager  
Robert A. Cuevas, County Attorney  
Diane Collins, Clerk of the Board



11B1

MEMORANDUM  
BOARD OF COUNTY COMMISSIONERS  
COMMISSIONER AUDREY M. EDMONSON  
DISTRICT 3

**Date:** November 16, 2010  
**To:** Ms. Diane Collins, Acting Division Chief  
Clerk of the Board  
**From:** Audrey M. Edmonson  
Commissioner, District 3   
**Subject:** Allocations

---

The following allocation is to be made from:

**District 3's Office Budget Funds**

Nat's Catering	\$17,800 ✓
Re: 2 <sup>nd</sup> Annual Thanksgiving Fest to be held on November 21, 2010	
MiMo Biscayne Association Inc.	\$ 500 ✓
Re: MiMo Art Project – Mural	

c: Vivian Gonzalez-Cao, Business Analyst  
Office of Strategic Business Manager









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Item 15C  
Exhibit \_\_\_\_\_  
Meeting \_\_\_\_\_

# BOARD OF COUNTY COMMISSIONERS ADVISORY BOARD APPOINTMENT FORM

PLEASE PRINT OR TYPE:

NAME OF BOARD:	Building Better Communities Board (GOB) <sup>Citizens Advisory</sup>
DATE OF APPOINTMENT:	
APPOINTEE'S FULL NAME:	Edward Hanna
APPOINTEE'S ADDRESS:	10301 SW 145 Street Miami, FL 33176
APPOINTEE'S HOME NUMBER:	(786) - 298-6925
APPOINTEE'S BUSINESS PHONE:	( ) -
APPOINTEE'S FAX NUMBER:	( ) -
APPOINTEE'S E-MAIL ADDRESS:	
APPOINTEE'S RESUME ATTACHED:	YES _____ NO _____
	TO BE SUBMITTED _____ RE-APPOINTMENT _____

## PLEASE SIGN AND RETURN THIS FORM TO THE CLERK OF THE BOARD

COMMISSIONERS SIGNATURE:	Dem C. Mesa
DISTRICT NUMBER:	9

# Edward Hanna

Attn: Sam

W. L. Don

FR. Ed Hannah

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NOV 10 2010

Item \_\_\_\_\_  
Exhibit \_\_\_\_\_  
Meeting \_\_\_\_\_

Edward H. Hanna, Jr. was born and raised in Miami, Florida. He received his Associate of Arts Degree in Criminal Justice from Miami-Dade Community College in 1973 and went on to obtain his Bachelor of Arts Degree in Criminal Justice from Florida International University in 1974. He is an active member of Kerr Memorial United Methodist Church in West Perrine, Florida.

In 1974, Mr. Hanna began a career in the Department of Juvenile Justice as a Probation Officer. It was his commitment to youth crime prevention in 1977 that led him to a Florida non-profit organization known as The Perrine Crime Prevention Program. The program focused on underserved, under privileged African American youth (between the ages of 12-18) that either were ex-offenders or were on their way to becoming a statistic in the Juvenile Justice System. During his tenure, The Office of Juvenile Justice ranked the Perrine Crime Prevention Program No. 3 in the United States for Youth Delinquency Prevention. Mr. Hanna served the program well as its Executive Director until 1982. The program continues to be a success even today for not only West Perrine but also all South Dade communities from Richmond Heights to Florida City. In 1983, Mr. Hanna became an Occupation Specialist for Dade County Public Schools.

In the latter part of 1984, Mr. Hanna began to focus on needs for the "total community" of West Perrine... from affordable housing development to business/economic development and capital improvement in the area. During this time, he attended and successfully completed numerous trainings in community development.

In 1985, along with several other local community leaders, activists and business owners, the West Perrine Community Development Corporation was formed. This would be the beginning of the organization's slogan (literally): "Building a Better Community". To date, Mr. Hanna serves as President and CEO of West Perrine CDC, whose mission is to improve the economic environment of the West Perrine target area through commercial revitalization, capital improvement, housing development and cultural enrichment activities.

Under his leadership, the WPCDC has constructed 226 units of single family housing for low and low-to-moderate income persons. The housing developments constructed include: West Perrine Scattered Sites-Phases I-V (170 units); the Joharri Site (6 units), El Alamo Development (18 units), Mt. Moriah site (32 units). The aggregate value of the completed units is \$2,600,000. WPCDC, in joint venture with The Heritage Corporation, completed the multi-family housing development (162 units) known as Phoenix Apartments. The development, dedicated to housing low and low-to-moderate income individuals, is located at the intersection of Campbell Drive (SW 312 Street) and North 15 Avenue in Homestead, Florida. It was completed in May 1995. Total project cost was \$13,034,295.

Mr. Hanna guided the concept and eventual opening of the West Perrine Housing Opportunity Center (WPHOC). This center engaged in housing counseling services from 1986 through 2007. Comprehensive housing counseling and technical assistance services were offered through the Housing Opportunity Center. This HUD Certified Housing Counseling

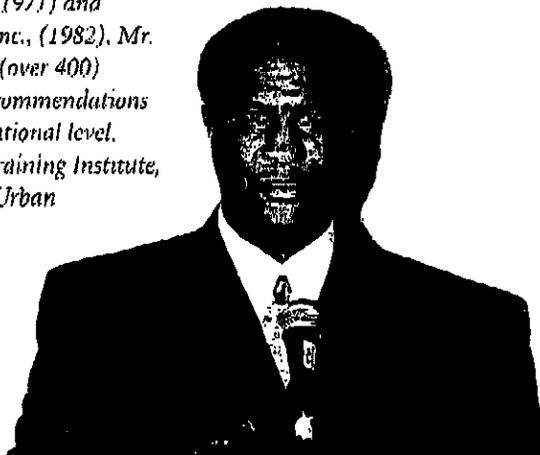
# Al Hanna, Jr.

Additional completed projects, under the leadership of Mr. Hanna include: The Goulds Gymnasium Project completed in 1999, a 13,000 square foot gymnasium/recreation center, located at 21805 SW 114 Avenue, Goulds, Florida. Total cost for development was \$1,620,000. The South Miami Heights Entryway Features located at Caribbean Boulevard/US1; and SW 211 St & US1, were completely redesigned and reconstructed. Total project cost was \$30,000. Mr. Hanna worked closely with Metro-Dade County and other public and private agencies to coordinate and facilitate improvements to West Perrine's infrastructure and public facilities and in the provision of direct services.

In 1990, Mr. Hanna began a quest to bring positive cultural enrichment activities to the West Perrine area. It was then that he introduced the 1st Annual Dr. Martin Luther King Jr., Holiday Parade. What began as a small parade with no more than 10 entries has now become a major production, consisting of 4 events and a parade that has (on an average) 100 entries. The parade is the highlight of the holiday celebration and always features bands from Historical Black Colleges & Universities (HBCU), namely The Florida A&M University "Marching 100" Rattler Band and The Bethune-Cookman University Marching Wildcat Band. Grambling State University Band has also graced the streets of West Perrine. A West Perrine MLK Parade is never complete without the world famous "Nassau, Grand Bahamas Island Junkanoo Band".

Mr. Hanna continued to seek ways to bring quality, cultural activities to South Dade. In 1999, he founded The South Florida Boys, Inc. It is a replication of the world famous Boys Choir of Harlem, Inc. (New York). WPCDC and The Boys Choir of Harlem have collaborated to unfold a project of hope to combat the cycle of problems that arise throughout our inner city communities. Currently, the project is operated as an after school program at R. R. Moton Elementary-Magnet Arts School in West Perrine.

In addition to being a Charter Member of The Perrine-Richmond Heights Jaycees (1971) and Richmond-Perrine Optimist Club, Inc., (1982), Mr. Hanna is the recipient of numerous (over 400) prestigious awards, certificates and commendations within the community and at the national level, including: National Development Training Institute, National Congress for Community Urban Development, The Urban Land Development, Florida Housing Coalition, National Low Income Housing Coalition, and National Congress for Community Economic Development, National Community Development Block Grant Week 2005, Inc.





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Item 15C  
Exhibit \_\_\_\_\_  
Meeting \_\_\_\_\_

**MEMORANDUM**  
**BOARD OF COUNTY COMMISSIONERS**  
**COMMISSIONER CARLOS A. GIMENEZ**  
**DISTRICT 7**

Memorandum

---

TO: Clerk of Courts

DATE: November 10, 2010

FROM: Carlos A. Gimenez  
Commissioner

SUBJECT:  
Board Appointment

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

Please note that I want to make the following appointment to a County Board:

Mr. Dean Chung to the Asian American Advisory Board

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Agenda Item 15(D)1  
November 16, 2010

NOV 16 2010

Item 15D1  
Exhibit \_\_\_\_\_  
Meeting \_\_\_\_\_

**COUNTY ADVISORY BOARD BALLOT**  
Miami-Dade County, Florida

November 16, 2010

TALLY

**LAND ACQUISITION SELECTION COMMITTEE**

VACANCY #1 Vote (✓) for One (1)		
Emilie Young	8 votes	<input checked="" type="checkbox"/>
Patricia L. Phares	5 votes	<input type="checkbox"/>
VACANCY #2 Vote (✓) for One (1)		
Dr. Kevin Whelan	11 votes	<input checked="" type="checkbox"/>
Gladys E. Scott	2 votes	<input type="checkbox"/>

Commissioner: \_\_\_\_\_  
(Please sign ballot)

Commission District Number: \_\_\_\_\_

# INFORMATION

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## Speaker's Card

(For Appearance Before the Board of County Commission)

Item \_\_\_\_\_

Exhibit \_\_\_\_\_

Message \_\_\_\_\_

Today's Date 11/11/2010

BCC Mtg. Date 11/16/2010

Agenda Item # not agenda

Subject: ISSUES affecting Seniors and

OLISA BLEBS BEING ABUSED BY BUS DRIVERS

Name: ALBERTO MACAEDO

Address: 4015 Indian Creek Dr N.W. B 33140

**Lobbyist Information:** (According to Section 2-11(3) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization? Yes:  No:

If yes, please list name: N/A

Organization

Firm

Client

Have your registered with the Clerk of the Board? Yes:  No: