

Memorandum



Date: April 21, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in blue ink, appearing to read "Carlos A. Gimenez", written over the printed name of the Mayor.

Subject: Annual Fiscal Report Relating to the Wage Theft Program

In February 2010, the Board of County Commissioners (Board) approved Ordinance #10-16 adopting the Wage Theft Program. Under Section 22-7 of the Code, a fiscal reporting mechanism was established to advise the Board of quarterly statistical data about the number of inquiries, number of petitions for hearings, number of hearings schedule, the cost of the hearings, and the results of the hearings.

This annual report is provided to the Board for the reporting period, January 1, 2013 thru December 31, 2013. At the beginning of this period the Wage Theft Program was officially relocated and began administration under the Department of Regulatory and Economic Resource's Office of Consumer Protection. Several changes were made to the existing program, to include a revised hearing process which now utilizes the Clerk of the Courts, Code Enforcement Section's facilities and hearing examiners. Additionally, special efforts were undertaken to successfully eliminate the backlog of cases awaiting the hearing process.

For your review, two separate exhibits are provided for a clear perspective of the Wage Theft Program's operation during this reporting period. Exhibit A - provides statistical information regarding Wage Theft hearings that were conducted during this reporting period, regardless of when the complaints were received. The higher number of cases scheduled to be heard during the first and second quarters reflect efforts to eliminate the historical backlog. Exhibit B - provides statistical information that tracks the complaint results from start to finish based solely on the period in which the complaints were received.

Please feel free to contact Office of Consumer Protection, Division Chief, Gregory Baker at (305) 375-4193, or me directly, if you have further inquiries or concerns.

Attachments

c: Jack Osterholt, Deputy Mayor/Director, RER
Jennifer Moon, Director, Office of Management and Budget
Charles Anderson, Commission Auditor
Josh Gelfman, Deputy Director, Economic Development, RER
Gregory Baker, Division Chief, Office of Consumer Protection, RER
Christopher Agrippa, Clerk of the Board

EXHIBIT A

2013 WAGE THEFT QUARTERLY HEARING SUMMARY *
January 1 - December 31, 2013

	1ST QUARTER	2ND QUARTER	3RD QUARTER	4TH QUARTER	TOTALS
NUMBER OF CASES	97	73	55	49	274
Withdrawn	0	2	0	5	7
Deferred	3	9	0	2	14
Dismissed	24	36	20	24	104
Violation Found	45	8	25	10	88
No violation proven	0	7	7	4	18
Rescheduled	25	11	3	4	43
WAGES AWARDED	\$ 118,300	\$ 11,770	\$ 63,139	\$ 42,931	\$ 236,140
PENALTIES AWARDED	\$ 236,601	\$ 23,541	\$ 126,279	\$ 85,862	\$ 472,283
ADMIN COSTS AWARDED	\$ 15,750	\$ 2,800	\$ 8,750	\$ 3,950	\$ 31,250
Direct Costs Expended for Administrative Hearings	\$ 11,208	\$ 5,430	\$ 5,430	\$ 7,240	\$ 29,308

* These summary figures are based on the cases heard at each scheduled hearing during the 2013 calendar year period, regardless of when the complaint was received.

25-Mar-14

EXHIBIT B

**WAGE THEFT ANNUAL REPORT
FOR THE PERIOD OF JANUARY 1 thru DECEMBER 31, 2013**

	1ST QUARTER	2ND QUARTER	3RD QUARTER	4TH QUARTER	ANNUAL TOTAL
NUMBER OF COMPLAINTS FILED/OPENED OR REOPENED	172	114	138	116	540
NUMBER OF COMPLAINTS REFERRED OUT, NO MERIT or INQUIRY ONLY	37	38	31	43	149
NUMBER OF COMPLAINTS QUALIFIED	135	76	107	79	397
NUMBER OF COMPLAINTS UNABLE TO EFFECT SERVICE	15	4	21	10	50
NUMBER OF SUCCESSFUL CONCILIATIONS	42	45	40	27	154
NUMBER OF CASES WITH FINDING OF WAGE THEFT VIOLATION *	26	8	12	10	56
NUMBER OF CASES WITH NO FINDING OF WAGE THEFT VIOLATION *	52	19	28	16	115
CASES REMAINING OPEN FROM PERIOD	0	0	6	16	22
Value of Unpaid Wages Alleged	\$ 490,247	\$ 363,050	\$ 480,770	\$ 302,859	\$ 1,636,926
Value of Successful Conciliations	\$ 98,036	\$ 64,239	\$ 42,387	\$ 35,511	\$ 240,173
Amount of Unpaid Wages Awarded at Hearing	\$ 61,857	\$ 35,833	\$ 45,072	\$ 16,869	\$ 159,631
Amount of Penalties Awarded at Hearing.	\$ 123,714	\$ 71,666	\$ 90,144	\$ 33,739	\$ 319,263

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

25-Mar-14