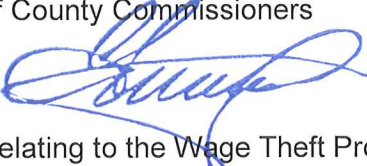


# Memorandum



**Date:** May 13, 2015

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Annual Fiscal Report Relating to the Wage Theft Program

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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 of Miami-Dade County, 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 scheduled, 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, 2014 thru December 31, 2014. This report reflects the Wage Theft Program's second full year of operation since it was relocated in January of 2013, to the Department of Regulatory and Economic Resource's (RER) Office of Consumer Protection. We have attached a copy of the 2013 Annual Fiscal Report as the last exhibit for comparison purposes. You will note that the \$9,600 annual cost for the 2014 administrative hearings reflects a substantial reduction from the previous period. This is the result of a successful collaboration with the Clerk of Courts, Code Enforcement Section.

Attached for the 2014 period are two separate exhibits for your review. Exhibit A - provides statistical information on Wage Theft complaints that went before a hearing examiner in each quarterly period. Hearings are conducted one day each month. Exhibit B - provides broader statistical information that tracks outcomes of all complaints received during the quarterly period. Exhibit C is a copy of the 2013 Annual Fiscal Report.

Please feel free to contact the Department of Regulatory and Economic Resources' Office of Consumer Protection, Division Chief Mr. Gregory Baker at (786) 469-2312 should you have any further inquiries or concerns.

## Attachments

c: Jack Osterholt, Deputy Mayor/Director, Department of Regulatory and Economic Resources  
Jennifer Moon, Director, Office of Management and Budget  
Charles Anderson, Commission Auditor  
Lourdes M. Gomez, Deputy Director, Department of Regulatory and Economic Resources  
Gregory Baker, Division Chief, Office of Consumer Protection, Department of Regulatory and Economic Resources

**EXHIBIT A**

**2014 WAGE THEFT QUARTERLY HEARING SUMMARY \***

January 1 - December 31, 2014

	1ST QUARTER	2ND QUARTER	3RD QUARTER**	4TH QUARTER	TOTALS
<b>NUMBER OF CASES</b>	65	37	32	37	171
Withdrawn prior to Hearing	6	1	1	0	8
Settled at the Hearing	9	1	2	1	13
Dismissed	18	11	7	12	48
Violation Found	11	14	14	21	60
No violation proven	6	8	6	4	24
Rescheduled	15	2	2	0	19
<b>WAGES AWARDED</b>	\$ 18,018	\$ 43,167	\$ 54,392	\$ 52,823	\$ 168,400
<b>PENALTIES AWARDED</b>	\$ 36,036	\$ 86,334	\$ 107,911	\$ 105,646	\$ 335,927
<b>ADMIN COSTS AWARDED</b>	\$ 3,850	\$ 4,900	\$ 4,900	\$ 7,350	\$ 21,000
<b>Direct Costs Expended for Administrative Hearings</b>	\$ 2,400	\$ 2,400	\$ 2,400	\$ 2,400	\$ 9,600

\* These summary figures are based on the cases heard at each scheduled hearing during the 2014 calendar year period, regardless of when the complaint was received.

\*\*The total wages and penalties awarded the 3rd quarter are reduced by the total of 2 awards vacated at hearings held during this quarter

8-Apr-15

**EXHIBIT B**

**WAGE THEFT ANNUAL REPORT  
FOR THE PERIOD OF JANUARY 1 thru DECEMBER 31, 2014**

	1ST QUARTER	2ND QUARTER	3RD QUARTER	4TH QUARTER	ANNUAL TOTAL
NUMBER OF COMPLAINTS FILED/OPENED OR REOPENED	90	126	111	141	468
NUMBER OF COMPLAINTS REFERRED OUT, INQUIRY ONLY or NO RESPONSE	22	36	33	42	133
NUMBER OF COMPLAINTS QUALIFIED	68	90	78	99	335
NUMBER OF COMPLAINTS UNABLE TO EFFECT SERVICE	9	10	8	12	39
NUMBER OF COMPLAINTS WITHDRAWN, NO MERIT, FORMAL BANKRUPTCY	14	12	7	11	44
NUMBER OF SUCCESSFUL CONCILIATIONS	22	27	38	25	112
NUMBER OF CASES WITH FINDING OF WAGE THEFT VIOLATION*	7	28	10	22	67
NUMBER OF CASES WITH NO FINDING OF WAGE THEFT VIOLATION*	15	13	14	11	53
CASES REMAINING OPEN FROM PERIOD	1	0	1	18	20
Value of Unpaid Wages Alleged	\$ 249,226	\$ 450,629	\$ 340,770	\$ 316,999	\$ 1,357,624
Value of Successful Conciliations	\$ 44,324	\$ 64,489	\$ 79,840	\$ 19,374	\$ 208,027
Amount of Unpaid Wages Awarded at Hearing	\$ 21,154	\$ 79,002	\$ 28,444	\$ 68,074	\$ 196,673
Amount of Penalties Awarded at Hearing.	\$ 42,307	\$ 158,003	\$ 56,887	\$ 136,148	\$ 393,346


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

## Memorandum



**Date:** April 21, 2014

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

**From:** Carlos A. Gimenez   
Mayor

**Subject:** Annual Fiscal Report Relating to the Wage Theft Program

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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
<b>NUMBER OF CASES</b>	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
<b>WAGES AWARDED</b>	\$ 118,300	\$ 11,770	\$ 63,139	\$ 42,931	\$ 236,140
<b>PENALTIES AWARDED</b>	\$ 236,601	\$ 23,541	\$ 126,279	\$ 85,862	\$ 472,283
<b>ADMIN COSTS AWARDED</b>	\$ 15,750	\$ 2,800	\$ 8,750	\$ 3,950	\$ 31,250
<b>Direct Costs Expended for Administrative Hearings</b>	\$ 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.

## 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