


# Memorandum



**Date:** May 22, 2017

**To:** Honorable Chairman Esteban Boyo, Jr.  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

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

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Pursuant to Ordinance No. 10-16, enacted by the Board of County Commissioners (Board) on February 18, 2010 to establish the Wage Theft Program, the following is the annual report which includes the number of inquiries, number of petitions for hearings, number of hearings scheduled, the cost of the hearings, and the results of the hearings. This annual report covers the period from January 1, 2016 to December 31, 2016.

During this reporting period, the Office of Consumer Protection in the Department of Regulatory and Economic Resources continued to revise its administrative procedures for handling wage theft complaints within the parameters of Implementing Order No. 3-54. These changes included the development of educational materials and legal forms for use by parties in such complaints, and for conducting training sessions in the development of a referral relationship with the local office of the U.S. Department of Labor, Wage and Hour Division.

Attached for the 2016 period are two (2) separate exhibits:

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

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

## Attachments

c: Abigail Price-Williams, County Attorney  
Geri Bonzon-Keenan, First Assistant County Attorney  
Office of the Mayor Senior Staff  
Lourdes Gomez, Deputy Director, Department of Regulatory and Economic Resources  
Gregory Baker, Division Chief, Office of Consumer Protection, Department of  
Regulatory and Economic Resources  
Neil Singh, Interim Commission Auditor  
Christopher Agrippa, Clerk of the Board

## EXHIBIT A

### 2016 WAGE THEFT QUARTERLY HEARING SUMMARY \*

January 1 - December 31, 2016

	1ST QUARTER	2ND QUARTER	3RD QUARTER	4TH QUARTER	TOTALS
<b>NUMBER OF CASES</b>	43	36	30	27	136
Withdrawn prior to Hearing	2	0	0	2	4
Settled at the Hearing	4	3	0	2	9
Dismissed	5	14	11	6	36
Violation Found	11	9	10	10	40
No violation proven	9	8	7	6	30
Rescheduled	12	2	2	1	17
<b>WAGES AWARDED</b>	\$24,165.00	\$20,427.00	\$14,164.00	\$19,408.00	<b>\$78,164.00</b>
<b>PENALTIES AWARDED</b>	\$48,429.00	\$40,854.00	\$28,931.00	\$38,815.00	<b>\$157,029.00</b>
<b>ADMIN COSTS AWARDED</b>	\$3,150.00	\$2,450.00	\$3,500.00	\$3,500.00	<b>\$12,600.00</b>
<b>Direct Costs Expended for Administrative Hearings</b>	\$3,200.00	\$2,800.00	\$2,400.00	\$3,200.00	<b>\$11,600.00</b>

\* These summary figures are based on the cases heard at each scheduled hearing during the 2016 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, 2016

	1ST QUARTER	2ND QUARTER	3RD QUARTER	4TH QUARTER	ANNUAL TOTAL
<b>NUMBER OF COMPLAINTS FILED/OPENED OR REOPENED</b>					
Number of Complaints Referred Out, Inquiry Only or Abandoned	144	74	110	100	428
Number of Complaints Qualified	34	40	54	37	165
	110	34	56	63	263

#### BREAKDOWN OF COMPLAINTS THAT QUALIFIED

Number of Complaints Unable to Effect Service	10	1	5	10	26
Number of Complaints Withdrawn or Formal Bankruptcy	38	3	8	6	55
Number of Successful Conciliations	34	17	29	22	102
Number of Cases with Finding of Wage Theft Violation at Hearing*	7	6	6	7	26
Number of Cases with No Finding of Wage Theft Violation at Hearing*	15	5	6	8	34
Cases Remaining Open from Period	6	2	2	10	20

Value of Unpaid Wages Alleged	\$427,195	\$96,768	\$276,433	\$146,564	\$946,960
Value of Successful Conciliations	\$29,920	\$26,487	\$149,727	\$14,654	\$220,788
Amount of Unpaid Wages awarded at Hearing*	\$7,772	\$6,152	\$12,629	\$5,248	\$31,801
Amount of Penalties awarded at Hearing*	\$15,544	\$12,305	\$25,257	\$10,496	\$63,602

\* 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.