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NATIONAL STATE ATTORNEYS GENERAL PROGRAM

Enforcement of State Wage and Hour Laws: A Survey of State Regulators

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The National State Attorneys General Program at Columbia Law School

The National State Attorneys General Program at Columbia Law School is a legal research, education-and-policy center that examines the implications of the jurisprudence of state attorneys general. Working closely with attorneys general, academics and other members of the legal community, the Program is active in the development and dissemination of legal information that state prosecutors are able to use in the carrying out of their civil and criminal responsibilities.

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Introduction

The Fair Labor Standards Act of 1938 establishes nationwide standards in areas including the minimum wage, overtime pay, recordkeeping, child labor and special employment, family and medical leave, migrant workers, worker protections in certain temporary worker programs, and the prevailing wages for government service and construction contracts. In addition to federal law, most states have their own wage and hour standards, which may provide more, but not less, protection than federal law.¹ Minimum wage laws exist in 45 states, of which 16 (plus the District of Columbia) set a standard higher than the federal minimum; 32 states also have overtime laws.² Pervasive violation of both federal and state wage and hour laws across the United States is well documented.³

The mere existence of state wage and hour laws does not automatically mean the standards they establish are followed. Without meaningful enforcement by state regulators, some employers will simply disregard their legal obligations if doing so allows them to save time, money or effort, putting the majority who wish to abide by the law at a significant competitive disadvantage. When wage and hour laws are unenforced, it creates a regulatory race to the bottom by states as they compete to attract businesses. Insufficient enforcement therefore has a considerable negative impact on workers, their families, and the communities in which they reside.

In an effort to determine the extent and nature of states' enforcement of state wage and hour laws, the National State Attorneys General Program at Columbia Law School, with the assistance of various stakeholders in the field, developed a comprehensive survey on wage and hour enforcement,

¹ See e.g., 29 U.S.C. § 218 (2010).

² United States Department of Labor, Wage and Hour Division, *Minimum Wage Laws in the States – January 1, 2011*, <http://www.dol.gov/whd/minwage/america.htm> (last visited April 4, 2011).

³ See U.S. Government Accountability Office, Testimony before the Committee on Education and Labor, House of Representatives, *Department of Labor Wage and Hour Division's Complaint Intake and Investigative Processes Leave Low Wage Workers Vulnerable to Wage Theft*, March 25, 2009; Brennan Center for Justice, *A Survey of Literature Estimating the Prevalence of Employment and Labor Law Violations in the U.S.* (2005), available at http://www.brennancenter.org/content/resource/a_survey_of_literature_estimating_the_prevalence_of_employment_and_labor_la; Annette Bernhardt, et. al., *Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America's Cities* (2009), available at http://nelp.3cdn.net/1797b93dd1ccdf9e7d_sdm6bc50n.pdf; Annette Bernhardt, S. McGrath & J. Defilippis, *Unregulated Work in the Global City: Employment and Labor Law Violations in New York City* (2007); S. McGrath, *A Survey of Literature Estimating the Prevalence of Employment and Labor Law Violations* (2005).

distributed it to state agencies responsible for such enforcement, and analyzed the responses. Thirty-seven states and the District of Columbia completed at least some portion of the survey.

The survey was created, and the results shared here, for the purpose of creating an objective depiction of state activity in wage and hour enforcement that we hope will serve as an inspiration and jumping-off point for further research, by the states and others.

A major goal of the project was to determine not only the methods and extent of enforcement, but also states' procedures and abilities to track and share data about their enforcement efforts. States that were unable to provide the information requested in a particular question are therefore presented alongside those that were. We have omitted states that do not undertake any wage and hour enforcement, and those that simply did not return a completed survey. Finally, the survey offered states ample opportunity to describe policies or initiatives not addressed by specific questions but that they felt were necessary to provide an accurate impression of their efforts.

No study of this breadth has been conducted on a national scale.

Wage and Hour Landscape

State enforcement in the area of wage and hour enforcement is set against a backdrop of federal activity by the Wage and Hour Division of the U.S. Department of Labor (USDOL).⁴ During the decade prior to 2007, the number of wage and hour investigators employed by USDOL decreased by more than 20 percent and the total number of FLSA enforcement actions decreased by almost 40 percent.⁵ In November 2009, the Obama administration and the Secretary of Labor announced the hiring of 250 additional wage and hour investigators.⁶ While much attention has been paid to the activities of the USDOL, comparatively little research has been done into the states' efforts to enforce their own state wage and hour standards.

⁴ See U.S. Department of Labor, Wage and Hour Division home page, <http://www.dol.gov/whd/index.htm>.

⁵ United States Government Accountability Office, *Fair Labor Standards Act: Resources and Consistent Reporting Could Improve Compliance* (July 2008), available at <http://www.gao.gov/new.items/d08962t.pdf>.

⁶ Press Release, U.S. Dept. of Labor, Wage and Hour Division (Nov. 9, 2009), available at <http://www.dol.gov/opa/media/press/whd/whd20091452.htm>.

State laws play a crucial role in protecting workers' rights and creating a level playing field for businesses. A November 2010 survey of 43 states and the District of Columbia found that a total of 659.5 investigators were working on wage and hour enforcement, among other issues, across all respondents.⁷ Extrapolated to all 50 states and compared to the total number of federal wage and hour investigators – approximately 1000 after the U.S. Department of Labor's hiring of an additional 250 investigators in 2009⁸ – this number represents a significant but insufficient dedication of resources to this area. In addition, the geographical distribution of investigators may exacerbate the impact of their insufficient numbers if they are not located in the states and regions where violations are most prevalent.

Although resources are currently inadequate or scarce in many areas – numerous respondents noted staffing and/or budget shortages – most states nonetheless possess generous authority to enforce their wage and hour laws, allowing for significant expansion of state activity in this area if policymakers see fit. The Interstate Labor Standards Association, an organization of officials responsible for administering and enforcing state labor laws, offers a valuable platform for expanding interstate cooperation in this area.⁹

State wage and hour enforcement can both supplement federal enforcement in the areas covered by federal law and can fill the gaps where federal wage and hour standards are absent. The federal standards set out by the Fair Labor Standards Act (including minimum wage, overtime, recordkeeping and youth employment standards) apply only to employees who work for businesses that have an annual volume of sales/business of at least \$500,000; businesses providing medical or nursing care for residents, schools and preschools; and government agencies and employees engaged in interstate commerce.¹⁰ A significant number of employees – working for local or small-scale employers – are therefore without federal protection. Additionally, the standards for – and efficacy of – private

⁷ Zach Schiller & Sarah DeCarlo, *Investigating Wage theft: A Survey of the States (A Report From Policy Matters Ohio)* 2 (November 2010).

⁸ Press Release, Employment Standards Administration, *Statement of U.S. Secretary of Labor Hilda L. Solis on GAO investigation regarding past Wage and Hour Division enforcement* (March 25, 2009), available at <http://www.dol.gov/opa/media/press/esa/esa20090324.htm>. It should be noted that comparison between federal and state wage and hour regulators is necessarily inexact due to the differing responsibilities assigned to each, as well as the disparate standards being enforced.

⁹ See Interstate Labor Standards Association website, <http://www.ilsa.net/>.

¹⁰ United States Department of Labor, Wage and Hour Division, *Coverage Under the FLSA*, available at <http://www.dol.gov/whd/minimumwage.htm> (last visited April 4, 2011).

enforcement of federal wage and hour laws may differ significantly from private enforcement of corresponding state laws. For example, class actions based on state law claims are often more procedurally friendly to plaintiffs than collective actions under the FLSA.¹¹

State law and enforcement are therefore able to provide an important supplement to federal law. One of the primary ways in which they do so is through wage payment laws that require wages owed to be paid, often at particular intervals, or within a specified period after an employee has been terminated or has left voluntarily. The vast majority of states have such a law.¹²

States enforce their wage and hour laws in a variety of ways. Some of these methods include individual complaint procedures administered by state agencies, criminal and civil litigation by state attorneys general or local prosecutors, outreach to and education of employees, employers and NGOs and, for a few states, referral of all complainants to federal authorities. Predictably, these procedures are administered with varying degrees of enthusiasm, resource support and competence. Additionally, because the characteristics (size, dominant industries, education levels, etc.) of labor markets differ across states, what is effective in one state – or area of a state – may not be as effective in another. Minimum wage, overtime and wage payment standards are similar across the states that have these laws. Differences in the results of enforcement are likely explained as much by variation in the form and force of states' application of their enforcement powers as they are by variation in the laws themselves.

Private Enforcement

In all states, the federal government actively enforces the federal minimum wage and other federal standards. A state may therefore rely entirely on federal activity to protect its workers. If a state elects

¹¹ See, e.g., *Beltran-Benitez v. Sea Safari, Ltd.*, 180 F. Supp. 2d 772, 774 (E.D.N.C. 2001) ("[T]he FLSA's prohibition of Rule 23 class actions does not bar the application of Rule 23 to a separate cause of action in the same complaint."); Noah A. Finkel, *State Wage-and-Hour Law Class Actions: The Real Wave of "FLSA" Litigation?*, 7 *Empl. Rts. & Employ. Pol'y J.* 159, 182 (2003).

¹² United States Department of Labor, Wage and Hour Division, *State Payday Requirements* (Jan. 1 2011), <http://www.dol.gov/whd/state/payday.htm>; Carolyn D. Richmond, et al., *Restaurants at the Crossroads: A State By State Summary of Key Wage-and-Hour Provisions Affecting the Restaurant Industry*, Cornell University School of Hotel Administration (December 2009), available at <http://www.ddifo.org/pdfs/CHR%20Cornell%20Restaurants%20at%20a%20Cross%20Road.pdf>.

to set and enforce its own wage and hour standards, however, it has several options in doing so. A state may enforce its laws entirely through traditional regulatory activity by state government employees. Alternatively, a state may leave enforcement to employees by providing a private cause of action for violations of wage and hour laws, with no supplementary state regulatory activity. Finally, a state may use a combination of government and private enforcement. While the focus of this report is enforcement by state government, it would be incomplete without some acknowledgement and discussion of the important role that private litigation plays in the enforcement of state wage and hour standards.

All states except for Alabama, Mississippi, North Dakota, and Tennessee provide a statutory right of action to enforce one or more wage and hour laws.¹³ It is difficult to determine the degree to which private enforcement is carried out in those states that provide for it by statute, although there is evidence that in the past decade private enforcement of both state and federal law has expanded rapidly.¹⁴ Private enforcement has both benefits and drawbacks. It adds significantly to the total human and financial resources dedicated to enforcement, puts the power and initiative for enforcement into the hands of employees, may provide greater efficiency and speed in the resolution of claims, and is self-funded. On the other hand, it is very difficult to measure the results of private enforcement, because only a minority of cases can be resolved by a judgment on the merits, and settlements – other than those in class actions – are usually confidential.

Private enforcement may also fall short as a deterrent of – or effective redress for – wage and hour violations because of the applicable incentive structure. Low-wage employees may benefit less from private enforcement than higher wage employees because the size of the potential recovery is greater for higher wage workers, making those cases more attractive to a private bar that often takes cases on a contingent basis. For the same reasons, private attorneys may also hesitate to represent employees

¹³ States that do not provide for a statutory private right of action may nevertheless have available common law causes of action.

¹⁴ See Daniel V. Dorris, *Fair Labor Standards Act Preemption of State Wage-and-Hour Law Claims*, 76 U. Chi. L. Rev. 1251, 1251 (2009); Mary Swanton, *Clock Work: Wage and Hour Cases Top Employment Class Actions* (March 1, 2010), <http://www.insidecounsel.com/Issues/2010/March-2010/Pages/Clock-Work.aspx> (noting that numbers of wage and hour lawsuits have increased under both the FLSA and state law); William C. Martucci & Jennifer K. Oldvader, *Addressing the Wave of Dual-Filed Federal FLSA and State Law “Off-the-Clock” Litigation: Strategies for Opposing Certification and a Proposal for Reform*, 19 Kan. J.L. & Pub. Pol’y 433, 433 (2010) (noting that the number of FLSA filings in federal court between the years 2000 and 2009 has more than tripled).

working for smaller employers because large class actions against wealthy corporations offer a more attractive ratio of expense to potential reward. Finally, the private bar may hesitate to take wage and hour cases because businesses may be judgment-proof due to bankruptcy, the concealment of assets, or an inability to make the payments required.

For these reasons, depending on how a state actually administers its wage and hour enforcement, government regulation is significantly more transparent than private action, and therefore provides greater deterrence through public shaming and the possibility of criminal sanctions. The economic incentives applicable to state enforcers should allow them to investigate and resolve the smaller claims of individuals and low-wage workers.¹⁵ A lack of sufficient funding or staff, which currently afflicts many state wage and hour enforcement agencies, can nullify these theoretical benefits of state enforcement.

While it is difficult to accurately gauge the volume and results of private wage and hour litigation, comparing the total amount in private class action settlements and damage awards with the total amount of wages and fines recovered by state regulators might provide a sense of the comparative impact and value of wage and hour enforcement. This is an area that obviously requires additional research.

Methodology

Because comprehensive data on the activities of state wage and hour enforcers has never been collected, we drafted a survey and distributed it to all 50 states and the District of Columbia. The survey sought information pertaining to these basic questions:

- Which division of state government is responsible for enforcing the wage and hour laws of each state?
- What resources and methods does this agency bring to bear in fulfilling its mandate?
- What data does each state collect and have accessible regarding its enforcement efforts?

¹⁵ Considerations of efficiency and cost would still apply to a state's decision to take smaller claims to trial, or to states' prioritization of misclassification and prevailing wage enforcement over that of minimum wage and overtime laws.

- What have been the results of each state’s enforcement efforts?
- How have the answers to these questions changed over the last five years?

In seeking answers to these questions, we requested specific numerical data relevant to evaluating state wage and hour enforcement efforts (such as the number of wage complaints received and the total amount of wages recovered), as well as contextual information (such as the types of procedures used, the budget allocated to wage and hour enforcement, etc.).

Which laws fall under the label of “wage and hour” differs by state. The survey aimed to capture, at the very least, minimum wage and overtime laws, as well as wage payment laws, which set standards for when and how workers must be paid, and require payment of wages owed. Many states additionally include child labor, vacation and meal/break time enforcement, among others, within their “wage and hour” data. The survey also sought to distinguish data associated with the aforementioned laws from that pertaining to prevailing wage laws (which establish wages for public works projects) and employee misclassification laws (which aim to prevent employers from improperly categorizing employees in order to evade wage and hour and other labor laws that apply only to certain classes of workers).

Prevailing wage and employee misclassification each present unique challenges, command considerable state attention, and involve large dollar amounts, such that mixing data on enforcement of these laws with other wage and hour data could obscure state efforts in the latter area. Prevailing wage and misclassification laws can also complicate analysis of state wage and hour regulation because states’ motivations for enforcing these laws may be distinct from their motivations for enforcing other wage and hour laws.¹⁶ Prevailing wage laws, for example, implicate the direct expenditure of public funds on works projects, which are subject to close public scrutiny. In the case of employee misclassification, states are motivated by the negative impact of misclassification on worker’s compensation and unemployment programs, and on state tax revenue.

¹⁶ Many of the same motivations apply to prevailing wage and misclassification enforcement as apply to other wage and hour enforcement: for example, leveling the playing field for employers and ensuring employees receive the pay and benefits they have been promised and/or to which they are entitled.

It is undoubtedly important to enforce all labor laws, and the line between prevailing wage or misclassification enforcement and wage and hour enforcement is not always obvious.¹⁷ We merely note that different factors may apply to each. Because some states lump their prevailing wage and employee misclassification activities in with other wage and hour enforcement, the survey asked respondents to distinguish prevailing wage and misclassification data wherever possible.

This report is meant as a resource for employers, employees, state and federal regulators, academics, nongovernmental entities and other stakeholders doing research in the area of wage and hour enforcement. Although we hope that the data will prove useful to advocates and policymakers, the report itself does not engage in advocacy or offer specific policy prescriptions. It also does not make conclusions as to the relative success of states in enforcing their wage and hour laws. It seeks simply to convey what states do, and leaves assessment to others. To this end, we identify questions raised by the data and suggest areas in which further study may be useful.

Except where noted, the information provided here is that which was provided to us by the states themselves. Although we have attempted to resolve ambiguities in the states' survey responses, in many cases we were unable to obtain the clarifications we sought. In the name of inclusion and transparency, we have included the survey responses in their original form, ambiguous or not, with only a few omissions in the interest of space and readability.

Because the wage and hour laws in each state differ – as do the systems and procedures used to enforce these laws – direct comparison across all states is difficult. We have nonetheless attempted to present the data collected in such a way as to maximize comparability. At the very least, the data collected should provide insight into the activities of each individual state over the last five years. The authors' observations of trends in data, and possible explanations for these trends, were significantly informed by interviews with various state officials and stakeholders in the area of wage and hour enforcement.

¹⁷ For example, a state employee investigating an employer for misclassification might discover and address basic wage and hour violations, particularly those relating to off-the-books employment. See James A. Parrott, Fiscal Policy Institute, *Employee Misclassification in New York Construction - Economic and Fiscal Costs* 9 (Jan. 7, 2011) (describing the close relationship between misclassification and off-the-books employment, both of which result in employers failing to make payroll tax or social insurance premium payments (workers' compensation, unemployment insurance, disability insurance, etc.)).

DISCUSSION

Thirty-seven states and the District of Columbia returned some portion of the survey. Five states, Alabama, Florida, Georgia, Louisiana and Mississippi, do not engage in any wage and hour enforcement at the state level, and did not complete a survey. Colorado, Delaware, Iowa, Nevada, New Jersey, New Mexico, Oklahoma, Virginia, Wyoming either declined to participate or did not respond at all. Both Colorado and Virginia cited resource constraints as a primary obstacle to their completion of the survey.¹⁸

Discussion of data is divided into sections according to the subject areas of the survey. The discussion will offer basic observations regarding trends that we have identified in the data or in the states' execution in responding to the survey. We have also worked to identify areas that could benefit from further study and structural dynamics that might be at play in various areas of wage and hour enforcement.

The discussion is by no means exhaustive of the multifarious issues implicated by this research. We hope the data lends itself – and is subjected – to all manner of analyses by others and that it serves as a jumping off point for further research. As mentioned in the introduction, variability in the labor landscape, the structure and impact of wage and hour enforcement, and the comprehensiveness of data provided limits the utility of direct comparison between and across states. The data does, however, lend itself to analysis of individual state efforts across time.

To the extent feasible, the information provided in the tables below represents exactly what was provided to us by respondents, although portions of some submissions have been omitted due to space limitations. Due to the breadth of the survey, the range of information provided by respondents, and the difficulty in securing responses to follow-up questions, we did not attempt to verify the accuracy of all data. In addition, in many instances, states provided information that was not responsive to the question posed, or did not provide any response at all.

¹⁸ Specifically, Virginia responded: “[D]ue to the fact that we have had serious staffing cutbacks and our office is in the process of being relocated, all such material is packed-up and we probably will not be able to respond at this time.” Colorado explained: “At this time our office simply does not have the resources and manpower to do justice to your survey. Presently our staff is stretched very thin and our time must be devoted to providing our services to supporting the citizens of Colorado.”

We therefore strongly urge each state to conduct a comprehensive study of wage and hour enforcement within its borders, and to seek out the perspectives of the business community, private bar, NGOs and other stakeholders in this area.

A.) Workforce Statistics (see [table 1](#))

The first survey question gathered information about the workforce landscape of each state. It requested the number of private and public sector employees and the number of private sector employees/workplaces in each state for the past five years. A majority of respondents did not provide

this data, although most indicated that another state agency might have it available. Because so few states' provided the requested information, and for the sake of uniformity, we have supplied data from the USDOL on the number of employees in each state, the percentage of workers represented by unions, and the number of

With only a few exceptions, states saw a large increase in the number of low-wage workers in 2009. Regardless of the reason for the increase, it has coincided with cuts or freezes in the amount of resources dedicated to wage and hour enforcement in most states. If it is true that more low-wage workers will generate more wage and hour violations, then state wage and hour regulators are being stretched ever thinner in their efforts to enforce the law.

low-wage workers in each state. We were not able to identify a reliable, up-to-date source for the number of employers/workplaces in each state and as such, have included only the few submissions that states were able to provide.¹⁹

Federal data shows that similar numbers of states had significant increases in the number of employees between 2005 and 2010 as had significant decreases. A majority saw little change within those five years. Nearly all states saw a significant increase in the number of employees between 2005 and 2008, followed by a significant decrease between 2008 and 2010. This trend is consistent with the rise in unemployment that occurred during the severe recession from late 2007 through 2009, and which persists even as economic growth has haltingly returned.

¹⁹ The U.S. Census Bureau website has data on the number of employers in each state, but the most recent data is from 2006. U.S. Census Bureau, *Statistics of U.S. Businesses*, <http://www.census.gov/epcd/susb/2006/us/US--.HTM#table2> (last visited April 4, 2011).

There were several clear trends in the number of low-wage workers across the states. Over the course of the five-year period for which data was examined, many states showed a decrease in the number of low-wage workers from 2005 through 2007, and an increase again in 2008-09.

The number of low-wage workers in each state over time is provided here for the purpose of determining the sufficiency of resources (human or otherwise) dedicated to wage and hour enforcement over time. Given the vulnerability of low-wage workers to wage theft, it is reasonable to assume that an increase in the number of low-wage workers would reflect a rising demand for wage and hour enforcement. This is likely to be true regardless of the reason for the increase in the number of low-wage workers.²⁰

With only a few exceptions, states saw a large increase in the number of low-wage workers in 2009. This may simply be a result of the increase in hiring that has taken place as economic growth has returned, although it is certainly plausible that low-wage jobs have come back in disproportionately higher numbers than higher paying jobs. Regardless of the reason for the increase, it has coincided with cuts or freezes in the amount of resources dedicated to wage and hour enforcement in most states, as will be discussed in sections 3 and 4. The data therefore indicates that the growing population of low-wage workers will generate more wage and hour violations at the precise time that state wage and hour regulators are being stretched ever thinner in their efforts to enforce the law.

B.) Wage and Hour Enforcement Entities (see [table 2](#))

Question 2 sought to identify the agency in each state granted primary responsibility/authority for enforcing state wage and hour laws. It also asked respondents to identify any additional state

State agencies in Alabama, Florida, Georgia, Louisiana and Mississippi do not appear to engage in any meaningful enforcement of wage and hour standards. In these states, inquiries regarding wage and hour laws are referred to federal regulators, or addressed through private enforcement measures.

²⁰ While relevant to the sufficiency of wage and hour enforcement resources, the number of low-wage workers is less useful for assessing the overall health of the labor market than is the *percentage* of low-wage workers in each state. For example, the large number of low-wage workers in 2005 and 2006 could have reflected a strong labor market generally, with higher numbers of all types of workers. The large number in 2009, on the other hand, might reflect the weak labor market during that year, with high numbers of low-wage workers representing a larger percentage of all workers.

entities providing meaningful support to lead wage and hour regulators, such as the attorney general's office, or the licensing or tax divisions.

In most states, primary responsibility for wage and hour enforcement is assigned to a labor agency that also addresses such issues as workers' compensation, employment discrimination, public works, employee misclassification, child labor, licensing and certification, and worker training. About a third of the states locate wage and hour enforcement within a discrete wage and hour unit.

Massachusetts is unique, in that the state attorney general's office has primary responsibility for wage and hour enforcement.

Representatives from Alabama, Florida, Georgia, Louisiana and Mississippi reported that they do not have a state agency that engages in any meaningful enforcement of wage and hour standards.²¹ In these states, inquiries regarding wage and hour enforcement are generally referred to federal regulators or private attorneys.²²

The state attorney general's office was the agency most frequently cited as providing substantive support to the wage and hour enforcers. Approximately two-thirds of respondents reported receiving assistance from their attorney general's office. Attorneys general perform functions including representing the primary labor agency in civil and collections matters, serving as the hearing officer for administrative hearings in wage and hour investigations, and enforcing the orders of the primary labor authority. In several states, including Massachusetts and New York, the attorney general's office pursues its own independent wage and hour investigations and enforcement measures.

²¹ The website of the Alabama Department of Labor, however, states that the Department of Labor "office attempts to collect wages for employees who have worked and have not received their pay." State of Alabama Department of Labor, *Frequently Asked Questions*, <http://www.alalabor.state.al.us/FAQ.htm> (last visited April 4, 2011).

²² State of Alabama Department of Labor, *Frequently Asked Questions*, <http://www.alalabor.state.al.us/FAQ.htm> (last visited April 4, 2011); Georgia Department of Labor, *Obtain Information About an Employment Issue*, http://www.dol.state.ga.us/js/employment_issue.htm (last visited April 4, 2011); Louisiana Workforce Commission, *Labor Law Information Resources*, <http://www.laworks.net/LaborLawInfo.asp> (last visited April 4, 2011); State of Florida Agency for Workforce Innovation, *Florida's Minimum Wage*, <http://www.floridajobs.org/minimumwage/index.htm> (last visited April 4, 2011); Mississippi Department of Labor Security, *Job Seeker Services FAQs, Labor Issues*, http://www.mdes.ms.gov/Home/FAQ/jobSeekerServices.html#5_1 (last visited April 4, 2011). Florida, Georgia and Louisiana also provide a private right of action to enforce one or more state wage and hour laws. See Fla. Stat. § 448.110(6)(a); Ga. Stat. § 34-4-6; La. Rev. Stat. § 23:639. Alabama and Mississippi provide no statutory private right of action, although state common law in those states may provide avenues for relief.

Not only may the locus of wage and hour enforcement affect the resources and discretion granted to regulators, but it may affect the ability of the public to track these variables, because internal shifts in funding and personnel may be made toward or away from wage and hour enforcement, while the publicly reported budget and human resources of the division as a whole remains unchanged.

Only a few states reported wage and hour enforcement activities being performed by agencies other than the primary enforcement body or the attorney general's office. These include Utah (Department of State Debt Collection), Ohio (Department of Taxation, Department of Job and Family Services, and

Bureau of Workers' Compensation), New Hampshire (Department of Transportation) and Massachusetts (Division of Occupational Safety).

Six states reported that no other agency engaged in wage and hour enforcement.²³ Three others simply cited no additional agencies, leaving the section blank.²⁴

It is important to note that different interpretations of this survey question likely produced varying responses. Some respondents might have excluded agencies that serve only as an information resource for wage and hour enforcers (such as a tax division), or any agency that did not engage in independent or autonomous enforcement of wage and hour laws (such as attorney general's offices that participate only upon referral, or to represent the primary enforcement agency). For instance, Maine responded "no" when asked whether any departments other than the primary enforcement agency handled wage and hour enforcement issues, but then noted in another section that it engages in information-sharing with other state agencies. In order to capture all possible state contributions to wage and hour enforcement, further research must be performed into the various types

Because the availability of data portraying the extent of wage and hour noncompliance is largely dependant on the enforcement efforts of the states, it is difficult to determine whether reductions or increases in the budgets of agencies engaging in wage and hour enforcement are justified. For example, an increase in the budget of such an agency might result in the discovery of greater numbers of violations, while a reduction might result in the identification of fewer violations; in this way budget adjustments could be self-reinforcing.

²³ Idaho, Indiana, Maine, Nebraska, South Dakota and West Virginia all stated affirmatively that no other state agencies handle wage and hour enforcement.

²⁴ Arkansas, Missouri and Pennsylvania provided no response to the question.

of cooperation that wage and hour enforcers do – or could – engage in with other state agencies or federal regulators.

Several states noted the existence of state task forces composed of representatives from multiple agencies addressing misclassification of employees. Further research would determine how effective these task forces have been by asking how much in back wages they have recovered for employees and how much they have collected for public revenue in fines, penalties and taxes.²⁵ These figures would be useful to discussions at both the policy and public relations level as to the efficacy of enforcement and its benefits to the state.

It would also be useful to compare the effectiveness of wage and hour enforcement when performed by a discrete wage and hour division with its own budget and mandate, rather than by a structurally undistinguished group of regulators within a larger department. Until recently in Ohio, for example, wage and hour enforcement was performed by a discrete division (Labor & Worker Safety (LAWS)) with its own budget. In 2009, that division was eliminated and moved within the broader Division of Industrial Compliance, which is completely self-funded. Not only may the locus of wage and hour enforcement affect the resources and discretion granted to regulators, but it may affect the ability of the public to track these variables, because internal shifts in funding and personnel may be made toward or away from wage and hour enforcement, while the publicly reported budget and human resources of the division as a whole remains unchanged. On the other hand, the consolidation of departments in Ohio may have prevented layoffs of wage and hour personnel.

C.) Budgets for Wage and Hour Enforcement (see [table 3](#))

Question 3 sought to quantify the funds dedicated to wage and hour enforcement in each state. From the data, we learned that the budget of agencies engaging in wage and hour enforcement is an imperfect gauge of the total resources dedicated to such enforcement. In many states, budget numbers

²⁵ See, e.g., James A. Parrott, Fiscal Policy Institute, *Employee Misclassification in New York Construction - Economic and Fiscal Costs* 8 (Jan. 7, 2011) (citing Colleen C. Gardner, Commission, New York State Department of Labor, Testimony before the U.S. Senate Committee on Health, Education and Labor and Pensions, *Leveling the Playing Field: Protecting Workers and Businesses Affected by Misclassification*, June 17, 2010 (reporting on the performance of the New York State Joint Enforcement Task Force on Employee Misclassification, which identified more than \$13.2 million in UI taxes due and discovered over \$14 million in unpaid wages)).

were available only for the umbrella agencies housing wage and hour enforcement efforts. In such cases, it was not possible to identify specifically how much of the umbrella agency’s budget was dedicated to wage and hour enforcement. This is true also for agencies, such as an attorney general’s office or tax division, that provide only a limited support role in wage and hour enforcement. Unless an agency budget specifies the amount of resources dedicated to supporting wage and hour enforcement, it is extremely difficult to quantify in dollar terms the assistance provided by such an agency in any given year.

“Oregon’s Wage Security Fund, administered by the Bureau of Labor and Industries, protects Oregon workers from wage loss when a plant or company closes, and is without sufficient assets to pay the final wages of its employees. The Oregon legislature enacted the Wage Security Fund in 1985, and began making payments in July, 1986. The bureau has paid over \$17 million from the fund to more than 16,000 displaced Oregon workers.” – Oregon survey response

In combination with other data, such as the number of full-time employees dedicated to wage and hour enforcement, general budget numbers may still be useful in approximating the resources applied to this area in a given state. The collected data shows that over the past five years, the budgets of state agencies responsible for wage and hour enforcement have not changed uniformly across the states, although more states increased their budgets than decreased them. Just under a third of respondents increased their budgets steadily over the past five years, including California, Alaska, Texas and West Virginia. A few

respondents, including Missouri, Idaho, North Carolina and Connecticut, saw budgets increase over the first few years and then decrease significantly in recent years. Only a few states, including Kentucky, Oregon and Massachusetts, saw budgets decrease steadily over the past five years. Seven states were unable to provide any data on the budgets of their wage and hour enforcers and the rest offered incomplete data.

Because the availability of data portraying the extent of wage and hour noncompliance is largely dependant on the enforcement efforts of the states, it is difficult to determine whether reductions or increases in the budgets of agencies engaging in wage and hour enforcement are justified. For example, an increase in the budget of such an agency might result in the discovery of greater numbers of violations due to more vigorous investigation and enforcement, while a reduction might result in the identification of fewer violations; in this way budget adjustments could be self-reinforcing.

Additionally, a number of factors might influence the amount of funds allocated to state wage and hour enforcers, including policy choices, economic growth and retraction, or the perception of greater or lesser compliance by employers. Poor economic conditions, such as those present over the last two years, might cause workers affected by wage and hour violations to withhold their complaints out of fear of losing their jobs when few alternative employment opportunities exist. In such circumstances, the rate of violations per worker would appear to drop, suggesting to some policymakers a decreased need for funding of wage and hour enforcement efforts. Alternatively, legislators might increase the budgets of wage and hour divisions in hard economic times because ensuring that workers are paid the full amount that they are owed both increases the amount that they have to spend in the local economy and increases tax revenue.

Given that funding for wage and hour enforcement can be influenced by the direction of political and economic winds, it would be useful to know whether states provide agencies with mechanisms for self-funding, such as fine structures that allow agencies to keep some percentage of the fines or penalties that it collects. Such structures provide wage and hour enforcers both insulation from political and economic trends, and create incentives to aggressively enforce wage and hour laws. Self-funding mechanisms may also be abused if wage and hour enforcers impose excessive fines purely in order to generate revenue.

It is also difficult to determine whether the budgetary resources dedicated to wage and hour enforcement are sufficient or excessive in any given state. Assume, for instance, that the need for enforcement has increased due the economic recession and the addition of low-wage workers to the workforce. If this is the case, then whether a change in the budget allocated to wage and hour enforcement is appropriate will depend on whether it was sufficient or excessive to begin with, the degree of increased demand for enforcement, and other factors. It would therefore be useful to examine the budgets of wage and hour enforcers in relation to the need for enforcement. This would require generating a reliable metric for “need,” which alone would be an extremely useful tool for stakeholders in this area.

D.) Human Resources Assigned to - and Available for - Wage and Hour Enforcement (see [table 4](#))

Questions 4.a. through 4.c. were designed to determine the amount of human resources dedicated to wage and hour enforcement. Question 4 asked first how many full-time employees (FTEs) were currently assigned to wage and hour enforcement and whether this number had changed over the past five years. The term “full-time employee” was intentionally defined broadly, so as to capture all personnel – including investigators, wage claim processors and lawyers – contributing significantly to wage and hour enforcement.²⁶

Question 4.a. asked how many of the full-time employees assigned to wage and hour enforcement are administrative or support staff. Question 4.b. asked whether there had been any furloughs or lay-offs in wage and hour staff in the past five years. Question 4.c. asked respondents to approximate what percentage of staff’s time was spent on wage and hour enforcement, if not 100%.

States that provide a revenue generating mechanism for their wage and hour divisions may experience a sustaining effect by maintaining or hiring more regulators. In a state with such a mechanism, legislators could view resources allocated to wage and hour enforcement as a worthwhile investment because such funds would be multiplied by the division’s ability to collect fines for its own support. Self-funding mechanisms might motivate budget reductions, however, if legislators view the division’s ability to collect fines to be a sign that outside funding is unnecessary or redundant.

These questions were designed to elicit a more precise picture of the actual number of personnel available for – and the actual hours spent on – substantive wage and hour work. This picture is obscured because a number of states’ wage and hour regulators are assigned significant duties beyond traditional wage and hour enforcement work. Further, the official number of FTEs (Full Time Equivalents) may be misleading, because it may include positions from which FTEs left or were terminated, and which remain unfilled (as in Michigan and Tennessee). Lastly, the survey did not define “wage and hour enforcement.” Thus, when asked what percentage of FTEs’ time was spent on

²⁶ It is not clear, however, whether respondent data included employees from other departments or only those within the primary wage and hour enforcement agency.

wage and hour enforcement, the percentages provided might include time spent on, for example, misclassification and prevailing wage work as opposed to minimum wage and overtime work.

Despite potential variability in the terms “FTE” and “wage and hour enforcement,” the data provided useful insight. Over the last five years, most states saw reductions in FTEs, instituted furloughs, or both. The number of FTEs dedicated to wage and hour enforcement generally tracked the state budgets for such enforcement. Reductions in budgets corresponded to reductions in staff and budget increases correlated with increases or maintenance of staff levels.

“Until 2009, the Bureau of Labor & Worker Safety was its own division within the Ohio Department of Commerce. Due to defunding by the state legislature, the Division of Labor & Worker Safety has merged into the Division of Industrial Compliance & Labor. As a result of this merger, there was reduction in personnel. The Superintendent of the Division of Labor & Worker Safety and its chief counsel both left and the supervisor who assumed the Interim Chief role retired on September 30 2010. The investigator staff was reduced by half, due to retirement and voluntary job changes.”
– Ohio survey response

Staffing levels might fluctuate for numerous reasons. Although changes in the number of full time employees dedicated to wage and hour enforcement could reflect a trend in the need for such enforcers, the data is more suggestive that the reduction of enforcement FTE’s occurred because of the overall decrease in state revenues, regardless of the need. For example, states that provide a revenue generating mechanism for their wage and hour divisions, such as the Connecticut Labor Department’s ability to collect fines that then fund the Department’s operations, may experience a sustaining effect by maintaining or hiring more regulators. In a

state with such a mechanism, legislators could view resources allocated to wage and hour enforcement as a worthwhile investment because such funds would be multiplied by the division’s ability to collect fines for its own support. Self-funding mechanisms might perversely motivate budget reductions, however, if legislators view the division’s ability to collect fines to be a sign that outside funding is unnecessary or redundant.

Most respondents stated that their FTEs spent all or nearly all of their time working on wage and hour issues. FTEs in only a few states, including Alabama, Tennessee, Montana and Kansas, spent a significant amount of their time (15% or greater) on work other than wage and hour enforcement. A caveat to these statistics is that respondents were not asked to make clear what activities qualified as

wage and hour work. If a state included prevailing wage and misclassification work as wage and hour enforcement, then the percentage provided could mean something very different than for a state that defines “wage and hour” work to include only minimum wage and overtime enforcement.

Alternatively, to the degree that misclassification intersects with wage and hour issues such as off-the-books employment, a state that excludes misclassification from its definition of “wage and hour” work might be underestimating the actual amount time spent on that work.

It would be useful to examine what strategies states could and do use to expand or maximize their human resources. For example, do states have formal partnerships with community organizations to do outreach or screen employees for valid wage and hour claims? Do they make use of interns or volunteers, either within the agency or by placing them with community organizations? To what extent do they cooperate with other agencies that are addressing issues – such as nonpayment of worker’s compensation or unemployment insurance taxes – with which wage and hour violations often go hand in hand?

E.) Enforcement Procedures and Resources (see [table 5](#))

Question 4.d. sought to identify the procedures used by states to enforce determinations that a wage and hour violation had occurred. This question was intentionally left open-ended in order to allow respondents to describe any enforcement procedures they considered significant. In addition, it asked specifically how many attorneys and other staff are assigned to collecting fines, penalties, wages, or any other funds found to be due.

“Missouri does not have a wage collection law. Employees have a right to pursue a private right of action. The Attorney General’s office can pursue civil penalties relating to Prevailing Wage and Child Labor. There are no civil penalties in the Minimum Wage Law. And they do not take any action to recover wages owed.” – Missouri survey response

More specific questions on enforcement procedures and results were included in parts 5.b and c.

The specific enforcement procedures described by respondents vary greatly. Only one state (aside from those states that do not engage in any enforcement at all), Indiana, appears to rely exclusively on voluntary compliance. Other states, such as Maine and Missouri, issue findings and if unable to motivate payment from the employer, refer the case to the employee for a private civil action. Most

states use a combination of mediation between the employer and employee, administrative hearings, civil lawsuits by Labor Department representatives or the attorney general's office, and private rights of action.²⁷ Only Connecticut, New York and Massachusetts referred specifically to the possibility of criminal prosecution in response to this question. California, Utah, New York, Ohio and Oregon note the use of criminal prosecution in response to later questions, although the data indicates that only California appears to make regular use of criminal procedures.²⁸

Further research should examine the relative success of various enforcement procedures within and across states. This would require the creation of an accurate measurement of "success," perhaps based on the number of violations (using official wage complaints as well as anonymous surveys of workers and employers) per worker. Such a measurement could take into account how well enforcement procedures accomplish a variety of goals: deterrence, remedy (making workers whole), and individual desert (delivering assistance or punishment to employers and workers as they deserve), among others. This research would reveal what procedures are the most cost-efficient and effective, and whether procedures are more effective for one type of industry than another.

Most states use a combination of mediation between employer and employee, administrative hearings, civil lawsuits by Labor Department representatives or the attorney general's office, and private rights of action. Only Connecticut, New York and Massachusetts referred specifically to the possibility of criminal prosecution.

While most states did not have attorneys housed within the departments of their primary wage and hour enforcers, nearly all have access to legal support of some kind to assist in enforcement. This legal support is located either within the umbrella division housing the wage and hour regulators, or in the attorney general's office. As responses to later questions reveal, legal action by states against violators is rare. It appears that most legal action

against employers is undertaken by the private bar and by nongovernmental organizations. Referral to the attorney general's office is generally reserved for particularly large or complex cases involving multiple employees.

²⁷ Both Maine and Missouri allow for reasonable attorney's fees to be awarded to an employee who prevails in a private action to recover unpaid wages. *See* Mo. Rev. Stat. § 290.527; Me. Rev. Stat. Ann. § 670.

²⁸ As noted in section G.3. below, it is possible that local district attorneys are bringing these cases and not informing the attorney general's offices or labor departments. If so, it would be an example of the need for greater communication and cooperation between state and local officials in this area.

Only a few states reported having staff dedicated exclusively to collections, including some of the largest states – Texas, California and New York – as well as Minnesota and North Dakota. Most states depend on investigators to attempt collection initially, with referral to the attorney general if payment is not forthcoming. Subsequent questions attempted to discern the amount of wages, fines and penalties that were assessed but never uncollected, although most states were unable – or declined – to provide this information. The data that was provided suggests that a significant amount, in some cases a large majority, of wages and fines go uncollected.

Further research might explore the relative cost-efficiency of various collection mechanisms and examine whether collection occurs at a higher rate for states with collection units or divisions, or for states that regularly (and at an earlier stage in the claim resolution process) threaten and pursue legal action.

F.) Methods of Identifying Violations; Frequency of Use (see [table 6](#))

Question five was a multi-part question seeking data on the state’s use of specific methods of enforcement and on the amount of activity generated by each method. Aside from obtaining specific data – such as the percentage of enforcement arising from individual complaint procedures or the number of wage claims submitted each year – this

Far and away the most common method for identifying wage and hour abuse was individual wage claims filed by employees. Only Kansas, Kentucky, Maine, New York and Massachusetts made significant use (more than 5% of enforcement work) of procedures other than individual complaint processes. Several respondents, including the District of Columbia, Kentucky, Massachusetts, Nebraska and Utah, noted that their use of methods other than an individual complaint process was limited due to budget and staffing shortages.

series of questions sought to illuminate states’ efforts and ability to track trends and assess the activity of their wage and hour regulators.

Question 5.a. sought to identify the procedures states use to discover potential wage and hour violations. The question specifically inquired about the extent to which states relied on individual complaint procedures, proactive inspection and investigation, and referrals from outside organizations to do their work.

One thing is absolutely clear from states' response to this question: Across the country, wage and hour enforcement is predominantly driven by individual complaints, and not by proactive outreach, inspection, auditing or investigation. Several states, including Arizona, Illinois, Indiana, Texas, Washington, Michigan and Tennessee, identified potential violations exclusively through individual complaints. Most remaining respondents stated that 95% or more of their enforcement work comes from individual complaints. States' heavy reliance on complaint-driven enforcement is likely related to the low upfront costs of such procedures. Several states referred to budget shortages in explaining why their use of other procedures for identifying violations was so limited.

Individual complaint systems vary significantly in effectiveness for a number of reasons. Because they rely largely on the initiative of workers to commence the complaint process, the extent to which such systems are successful depends on employees' awareness of their rights and on their belief that they will not be subject to retaliation for filing a complaint. States' investment in outreach, education and in enforcing anti-retaliation laws therefore determines the utility of their individual complaint procedures. An examination of the substance and enforcement of states' anti-retaliation laws would therefore be important. Additionally, generating data on the demographics, occupations, positions and salaries of those who file wage complaints would help identify the classes of workers that are affected by wage and hour violations, as well as the classes that are sufficiently informed and empowered to file complaints.

“[W]e have the authority. . . but don't have the resources to regularly proactively inspect businesses for which no wage claim has been filed.” – Utah survey response

Only Kansas, Kentucky, Maine, New York and Massachusetts made significant use (more than 5% of enforcement work) of procedures other than individual complaint processes. Several

respondents, including the District of Columbia, Kentucky, Massachusetts Nebraska and Utah, noted that their use of methods other than an individual complaint process was limited due to budget and staffing shortages. Those states that engaged in proactive enforcement generally targeted these efforts on particular industries, employers and types of law. The most common areas of focus for proactive investigations were prevailing wage and worker misclassification violations, particularly within the construction industry. Alaska's investigations prioritized prevailing wage enforcement against the

construction industry, and child labor enforcement against all industries. Arizona focused its proactive efforts on small “mom and pop” businesses not covered by the FLSA. Maine focused on child labor, businesses subject to recently enacted laws, and businesses that had not been reviewed in the prior three years. Connecticut focused on worker misclassification within the construction and restaurant industries.

It would be useful to ask those states that engage in proactive investigation or auditing how they structure and target these efforts. Such an inquiry would help to identify those wage and hour laws that receive adequate enforcement, those that may be under-enforced, and the reasons for each. For example, a state might logically direct its proactive investigations and auditing towards the areas in which it receives the most individual complaints. A state using this approach could tip the scales – intentionally or not – in favor of a particular area of enforcement by dedicating comparatively greater resources for outreach and education of workers in that area, thereby generating a greater number of complaints. In such a case, the most informed and empowered employees would be those most likely to receive protection through proactive enforcement.

A significant majority of respondents reported that wage and hour regulators in their states engaged in outreach to nongovernmental organizations in order to educate workers and employers, and to promote the efforts of state wage and hour regulators.

Additional research might examine the extent to

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which such outreach is correlated with an increase in individual complaints and might examine the comparative effectiveness of outreach to employees and outreach to employers in achieving compliance or deterrence.

It would be useful to compare the results of each method for identifying violations, both in terms of their cost-effectiveness and their deterrent effect. Identifying the deterrent effect of each method is particularly important, as deterrence would not be clearly reflected in the amount of wages recovered, fines or penalties issued, or other tangible data on the direct results of enforcement. A state that engages in significant auditing and proactive investigation of large employers could, for example,

achieve significant deterrence due to employers' awareness of the possibility of an unprompted investigation, without generating a high percentage of identified violations or large monetary recoveries.

By contrast, individual complaint procedures might have a higher rate of violations identified per complaint – or appear less expensive in terms of cost over wages and fines collected – but perform poorly for deterrent purposes if workers are unaware of their rights and file few complaints.

G.) Enforcement Data: Individual Complaints, Investigations and Resolutions (see [table 7](#) and [table 8](#))

Question 5.b. sought to identify specific data on the number of individual complaints received, the number of investigations conducted and the number of cases resolved each year. In addition to asking about the total number of cases resolved, the survey requested data on specific forms of resolution. It asked how many cases were resolved in each of the following ways: dismissed, referred to the state attorney general, referred to private counsel, mediation, direct negotiation without litigation, civil litigation resolved through settlement, civil litigation taken to trial, and criminal prosecution/referral. In order to capture trends in these statistics over time, the survey requested data for each of the past five years.

1. Individual Complaints

Most states were able to provide five years worth of data for the individual complaints and investigations metrics. A number of states were able only to approximate the number of individual complaints each year. It is not clear how these approximations were developed. For the states providing detailed year-by-year data, there was a general trend of an increase in complaints between 2005-06 and 2008-09 and then a decrease from 2008-09 until the present.

“When the economy is bad the number of our claims drops off. When the economy improves more people file claims again.” – Wisconsin survey response

It is unclear what this trend signifies. It is possible that complaints increased as economic conditions took a turn for the worse and employers were either unable or unwilling to pay workers, but were not yet prepared to terminate them. As the recession deepened and lingered, high levels of unemployment may have resulted in fewer total complaints being filed, both because there were fewer employed workers overall but also because those remaining employed refrained from filing wage complaints for fear of losing their jobs. At least one respondent, Wisconsin, noted specifically that they had experienced reduced numbers of complaints during poor economic times in the past. Further research could examine the correlation between economic conditions and the number and type of wage and hour violations, the willingness of workers to file complaints and the ability of enforcers to collect wages/fines assessed.

As noted above in section F, the number of individual complaints reported will likely vary depending on states' efforts to educate workers and encourage (or discourage) the filing of complaints. This figure will also depend on the process used to log a claim, and what qualifies as a "complaint" for the states' reporting purposes. For example, a state might log every complaint received so long as the name and contact information of the complainant was provided, while another might not log a claim until an intake officer verified that the complainant was covered by the standard invoked – i.e., that the agency had jurisdiction over the claim. Similarly, some states maintain telephone hotlines that may screen significant numbers of potential complainants before an official claim is filed, reducing both the number of complaints that would otherwise be filed, and the percentage of dismissals.

In a follow-up to requesting the number of individual complaints each year, we also asked states to identify the industries generating the most wage and hour complaints each year. Of the states responding to this question, only six – Arizona, California, Connecticut, Oregon, Maine and South Carolina – provided specific data on particular industries. This sample is too small to allow conclusive identification of any national trends. It is worth noting, however, that when asked to identify the top four industries generating the most complaints in their state, the construction industry was cited by all six states, restaurants were cited by five states and business services by two states. The total number of complaints generated by an industry will in part reflect the size of that industry or its share of the labor market, rather than the prevalence of wage and hour violations within it. Nevertheless, the fact that the

sample consists of a diverse group of states with a variety of dominant industries is certainly suggestive that the top violators in the sample states may be frequent violators nationwide.²⁹

2. Investigations

Similar definitional considerations apply to the number of reported investigations. Numerous respondents stated that all complaints led to an investigation, but the import of such a statement depends on how the state defines an “investigation.” If merely reading the complaint for facial validity qualifies as an “investigation,” then the number of investigations opened in a given state might differ significantly from a state in which “investigation” is not considered to have occurred until the complaint is reviewed for disqualifying errors on its face. In Pennsylvania, for example, all claims filed are counted as “investigations.” In Montana, there were frequently more investigations than claims, suggesting that investigations may originate from other sources in addition to complaints.

Although California did not provide the number of investigations opened each year, its response was worth noting. California provided data on the number of *inspections* and citations issued each year. The number of citations was approximately half the number of inspections each year, although it is not clear how the two metrics are defined by the state. For example, it was not clear what an inspection entails, whether citations are issued for each individual infraction or only once for an employer with multiple infractions, or whether citations were issued in instances where no inspection occurred.

With answers to these questions, however, this type of data could prove very useful for estimating 1.) the efficiency of inspections or investigations, and 2.) the number of violations statewide. The number of citations per random inspection, for example, might support an estimation of the total number of violations in light of the total number of workplaces. And examining the number of citations per inspection next to the number of citations per individual complaint could point to the comparative effectiveness of each method for identifying violations. This type of data should be obtained and examined for all states.

²⁹ See U.S. Census Bureau, Top Ranking Industries Organized by State, <http://www.census.gov/econ/census02/data/tops/index.htm> (last visited April 4, 2011).

It would also be important to review the training processes and materials provided to investigators. Are investigators trained to identify and resolve a wide range of wage and hour issues, or are the issues compartmentalized? When investigating a complaint, are investigators instructed to resolve only the precise claim before them, or are they encouraged to seek out other potential violations? For example, if an employer asserts in response to an overtime claim that a worker does not qualify for overtime because the worker is an independent contractor, the investigator might accept the employer's classification, or they might conduct an additional inquiry into whether the classification is itself proper. If investigators limit their inquiries to the face of each complaint, they may be failing to identify significant numbers of violations. Lastly, how do regulators resolve discrepancies between the statements of employers and employees?

3. Resolutions

Fewer states could provide detailed data on the resolution of claims. A number of states stated simply that they did not track the specific form that resolutions took.

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Because a claim might be resolved in any number of ways, determining the number of each type of resolution would presumably require either a comparatively sophisticated system for tracking wage complaints and investigations, or a significant amount of legwork. A study of the systems used by state wage and hour enforcers to collect, track and access data on their own activities could assist in determining the extent to which both regulators and legislators are able to appraise past performance and make informed policy decisions.

sophisticated system for tracking wage complaints and investigations, or a significant amount of legwork. Few states have such a sophisticated system, and overworked and under-resourced agencies are likely unable to spend much time collecting such information from disparate sources. A study of the systems used by state wage and hour enforcers to collect, track and access data on their own activities could assist in determining the extent to which both regulators and legislators are able to appraise past performance and make informed policy decisions.

Of the data requested in this section, the number and form of resolutions each year theoretically provides the clearest picture of a complainant's likelihood of success and of the agency's efficacy and diligence in identifying violations and securing relief. As with complaints and investigations, this data

is dependant on how each state defines “resolution” and the specific enforcement powers available to regulators. In a state where regulators are limited to issuing findings that a complainant may enforce through private action, resolution looks very different from a state in which regulators utilize a collection department armed with legal personnel. The number of resolutions reported also depends on how a state treats claims that have been abandoned or may have been resolved between the employer and employee, but which resolution was never conveyed to the state. And of course, all data could be significantly affected if enforcement processes or powers available to regulators change due to legislative or executive action.

Although few states cited the use of mediations specifically, the piecemeal data provided suggests that across states, a large majority of complaints are resolved through negotiation or mediation without resort to more coercive measures.

Only a few states regularly referred cases to their attorney general’s office or district attorney for civil or criminal litigation. These include California, Connecticut, North Dakota, Oregon, West Virginia and Wisconsin. New York, while it does not regularly refer cases to its attorney general, regularly conducts administrative hearings. The only two states to specifically mention referring complaints to private counsel were Nevada and Rhode Island, although it is likely that many more do so, if only by informing inquiring employees of their right to take private legal action, as is done in Minnesota. Another noticeable trend was the rarity of criminal prosecution reported by respondents. This may simply be a consequence of information of criminal prosecutions being tracked or collected elsewhere, such as the offices of the attorney general. Alternatively, local prosecutors might be solely responsible for pursuing criminal penalties and they, in turn, may never notify the state labor agency of their actions. Greater communication between labor departments, attorney general’s offices and local prosecutors would enhance both enforcement efforts and the tracking of these efforts.

It would be useful to explore further the use of criminal sanctions to address wage and hour violations. For example, a number of states set prison sentences for wage theft. How frequently, if ever, have states sought, successfully or not, to put wage and hour violators in prison? If criminal prosecution and jail time are as rare as they appear, what are goals and philosophy behind treating wage theft differently from other forms of theft?

A related question raised in our interviews with stakeholders was the extent to which any state or local entities make use of criminal theft laws – particularly “theft of services” laws – to address wage and hour violations. Both our interviewees and literature on the subject suggest that local law enforcement, at the urging of worker advocates, are making significant use of theft of services laws in this way.³⁰ Originally, theft of services laws may have been intended to address the loophole in conventional theft laws that require defendants to have stolen “property,” leaving service providers unprotected.³¹ Our interviewees suggested that local law enforcement – with the cooperation of worker advocates – was the entity most active on this front.

More generally, it would be useful to determine whether states treat wage theft as a criminal matter, equivalent to other forms of theft.

H.) Complaint Processing and Response Times (see [table 9](#))

Complaint processing and resolution times of course vary according to how such times are measured by each state. In states such as Indiana and South Dakota that rely on voluntary compliance or referral to the employee for private action, resolution by the state enforcement agency will likely be achieved much more quickly than in states such as California, New York and Connecticut that utilize extensive administrative and legal proceedings to secure compliance.

Question 5.b.iv. of the questionnaire inquired as to the length of time that wage and hour enforcers took to respond to and resolve wage claims. It asked first whether respondents were able to approximate how long it takes for the state to respond to a complaint and whether respondents could identify any recent trends in response times. Although the question was intended to capture the length of time between submission of a complaint and resolution of the matter,

its ambiguous wording elicited a variety of responses.

Most states were able to at least approximate the length of time it took to resolve a complaint. Reasonably, a number of states noted that the length of time varied significantly depending on the circumstances of each case. Less than a third of respondents reported data on how response times had

³⁰ Rita J. Verga, *An Advocate’s Toolkit: Using Criminal “Theft of Service” Laws to Enforce Workers Right to be Paid*, 8 N.Y. City L. Rev. 283, 283-85 (2005).

³¹ *Id.*

changed in the past five years. Of those that did, a slim majority reported that processing timelines had gone down or stayed the same. A minority reported that resolution times had increased over the past five years. Several states, Rhode Island, Kentucky, Wisconsin and Hawaii, cited staff shortages as reasons for longer processing times. Arkansas cited a broadening of its jurisdiction as the reason for delays, and Utah cited an increase in complaints as the cause of delays. Ohio reported no change in processing times despite having less staff and higher caseloads.

It would be useful to compare states' efficiency in processing claims. States that have had success lowering or maintaining processing times in spite of funding, staffing or workload challenges could likely provide beneficial information to others. Such a comparison would require controlling for differences in state wage and hour standards, jurisdiction of regulators and the processes used by each state. As mentioned previously, the Interstate Labor Standards Association provides a potential forum for such communication. Given the shortage of time and resources experienced by most states, it is plausible that despite an available mechanism for cooperation, such communication is not taking place. Research into the extent of cooperation in the area of wage and hour enforcement would also be beneficial.

This section of the questionnaire also asked respondents to identify any potential “bottlenecks” at the various stages in claim processing: investigation, administrative hearing, commencement of civil litigation, resolution of civil litigation, criminal enforcement, and payment of wages found due. The purpose of these questions was to assess states' responsiveness to wage complaints, as well as the speed with which they resolved wage and hour disputes between employers and employees. In asking about trends in states' response times, this question sought to identify the consequences of recent pressures – the economic recession, changes in budgets and staffing – and correlations between response times and enforcement methods.

*“[The Ohio Bureau of Labor and Worker Safety] has become more efficient, even with reduced staffing and higher caseloads, it takes less time for complaints to be investigated and determinations to be issued.”
– Ohio survey response*

Complaint processing and resolution times of course vary according to how such times are measured by each state. For example, average times will be shorter if states include in their data complaints that

are dismissed for facial errors at the time of initial review. Additionally, times will vary according to the processes and remedies available in each state. States that have limited options for pursuing violations, or few remedies available to complainants, may have shorter processing times. In states such as Indiana and South Dakota that rely on voluntary compliance or referral to the employee for private action, resolution by the state enforcement agency will likely be achieved much more quickly than in states such as California, New York and Connecticut that utilize extensive administrative and legal proceedings to secure compliance.

The aspirational and actual timeframes for resolving claims did in fact vary a great deal, with many states aiming for and averaging resolution in 1 to 3 months. More complicated or contentious cases could last between six months and a year. Two states, Rhode Island and Connecticut, stated that cases might last up to two years or more.

One major issue that arises with regard to complaint processing times is the affect of long delays on the confidence and trust of both employers and employees in the complaint resolution process. Another is whether state investigation of a claim tolls the statute of limitations for private action, or whether the two processes may take place concurrently.

I.) Results of Wage and Hour Enforcement (see [table 10](#))

Section 5.c. of the survey asked respondents to provide data on the results of their states' wage and hour enforcement efforts. Specifically, it asked respondents how much their respective states had recovered in back wages, and issued in civil fines, in each of the last five years. Additionally, it asked how many referrals for criminal prosecution were made and to what prosecuting body, as well as how many criminal convictions were secured (and criminal penalties issued) each year. Finally, respondents were asked to provide the amount of assessed fines, wages, and penalties that went uncollected each year.

California and Montana broke down their wages recovered by subject area, revealing that only a tiny percentage of the wages they collected were for minimum wage violations. In California, minimum wages represented less than 1% of the total amount found due.

This section was in many ways the heart of the survey, as it sought data on the most direct measurements of state wage and hour enforcement efforts. A balanced appraisal of this data is still only suggestive of states' ability to redress or deter wage and hour violations, because it is impossible to determine how many violations occur that go unreported, or exactly how much private enforcement is taking place. Research into the extent of private enforcement in each state would be extremely useful to developing a more accurate estimate of the full extent of wage and hour violations and the effectiveness of state responses.

Approximately two thirds of respondents provided detailed data on the amount of wages recovered each year over the last five years. Of these, nearly twice as many saw an increase in the wages collected as saw a decrease.

Trends in the wages recovered could result from any number of factors, including changes in economic conditions, the numbers of violations, or the number of valid complaints filed. Increased emphasis on laws involving higher wages (e.g., prevailing wage) and the use of new or different collections tactics may also play a role. Further research should examine these factors and others not mentioned.

Only about one third of states provided detailed data on the amount of fines assessed each year. Of these, roughly the same number saw increases in the amount of fines assessed as saw decreases. As with the amount of wages recovered, these fluctuations might be the result of factors internal to the primary wage and hour enforcer (such as a change in personnel or policy) or external (such as an increase in violations or in valid complaints filed).

It also appears that a majority of states do not make significant use of fines or penalties, either for deterrence purposes or for self-funding. It would be useful to compare the performance and financial health of those agencies that do so with those that do not. As mentioned previously, employers have little incentive to obey wage and hour laws if the only repercussion for violating them is to have to pay wages owed in the first place. It would be useful to know whether there is a positive correlation between the use of fines and other metrics of success, and whether agencies that are permitted to fund their operations with fines, such as Connecticut, make more or better use of such penalties.

Information provided by states on the amount of criminal referrals and penalties each year was too sparse to be able to identify any significant trends. It would be beneficial to examine the extent to which states treat wage theft as a criminal matter, and particularly the role of local prosecutors, about which this survey did not ask. If criminal prosecution is as rare as it appears to be, it would be useful to know the reasons for this and the benefits and drawbacks of increased use of criminal prosecution.

In some instances, states provided more information than requested, which included some interesting clues as to the role of wage and hour enforcement within the broader labor regulation context.

California and Montana, for example, broke down their wages recovered by subject area, revealing that only a tiny percentage of the wages they collected were for minimum wage violations. In California, minimum wages represented less than 1% of the total amount found due. It would be useful to have this information for all states in order to determine whether, for example, there is a trend across states of minimum wage claims composing a very small portion of enforcement work. Note that the reason for such a trend need not be that states are neglecting minimum wage enforcement. Such a trend could very well be the result of low dollar values involved in minimum wage violations, as compared to prevailing wage enforcement for example. The data on minimum wages found due would also be affected by how states distinguish a “minimum wage” claim from a general non-payment of wages claim.

In Montana, one of the few states to provide a detailed breakdown of amounts claimed and collected, the rate of collection (as compared to the amount claimed) was dramatically higher for prevailing wage claims than for minimum wage and overtime claims.

A significant number of states were unable to provide data on the amount of fines, wages and penalties that went uncollected by the state or employee. This is noteworthy, given that collection is likely crucial to achieving deterrence, depriving violators of competitive advantage, providing workers with relief and generating resources for the state.

Of the states providing information on the amounts going collected or uncollected, not all distinguished wages from criminal penalties or civil fines. It is unclear whether the state collects wages on behalf of the worker or requires the worker to collect. Nor is it evident what percentage of the dollar values provided were wages. This data would reveal the extent to which collections benefitted particular classes of workers. In Montana, one of the few states to provide a

detailed breakdown of amounts claimed and collected, the rate of collection (as compared to the amount claimed) was dramatically higher for prevailing wage claims than for minimum wage and overtime claims. It is not clear what percentage of the amount claimed in each area was actually found by the state to be due. Nevertheless, the data suggests that collection is significantly more effective for claims relating to state projects, and involving higher wage workers, than for claims between private parties.

From a complainant's perspective, enforcement cannot be considered complete until back wages are delivered. Therefore, it would be useful to know what percentage of the wages found owed and collected by the state are actually delivered to the worker. Many low-wage workers are transitory or highly mobile, such that contact information provided at the time a complaint is filed can quickly become obsolete. If contact information provided in a complaint is not accurate when the state attempts to deliver collected wages, what efforts do each state make to locate the complainant? How long will each state search for a complainant or hold wages collected on behalf of the complainant? What happens to wages that are collected but not delivered? If such wages are deposited into the state treasury, for example, the state may have less of an incentive to find complainants in order to deliver funds.

It would be extremely useful for further research to generate a formula for measuring the effectiveness of wage and hour enforcement in each state. Such a formula could include ratios dealing with the number of wage and hour investigators, number of complaints, the amount of wages and fines/penalties assessed, and how much of what is assessed is actually collected. It would also need to measure the impact of enforcement on compliance within the states. As mentioned in section F above, a tool to measure the deterrent effect of various methods of enforcement could greatly assist policymakers in designing their state's approach to regulation.

An additional issue is how states respond to employers that are judgment-proof because they have gone out of business, are hiding funds, or otherwise cannot pay wages, fines or penalties owed. Do states ever pursue the personal assets of individual employers? What other methods are used in these circumstances?

J.) Prevailing Wage Enforcement Body (see [table 11](#))

Prevailing wage work is an important area of enforcement and study in its own right, given both the governmental and private interests involved. The wide range of data and issues implicated by this work are beyond the scope of this report. Question 6 sought simply to identify which state agency has the responsibility to enforce existing prevailing wage standards, in order to assess the extent to which prevailing wage enforcement was enmeshed with, or handled separately from, wage and hour enforcement. Identifying whether prevailing wage enforcement was included within the same department as other wage and hour enforcement could shed light on the sufficiency of department budgets. For agencies that perform both prevailing wage enforcement and traditional wage and hour enforcement (minimum wage, overtime and wage payment), yearly budget numbers may be a much less accurate measure of the total resources applied to either area, unless specific amounts are appropriated for each activity.

Of the states that have prevailing wage laws, the vast majority located enforcement of these laws in the same division as other wage and hour enforcement. It is difficult to tell how housing prevailing wage enforcement with other wage and hour enforcement might affect either, without knowing the extent to which agency resources were divided between the two. If all investigators divided their time between prevailing wage work and other types of enforcement, for example, this might compromise the attention and expertise applied to either or both. On the other hand, if prevailing wage work is assigned to its own discrete unit within the same agency as other wage and hour enforcement – as in Rhode Island, Washington, and Wisconsin – this might not have a significant effect on either. Research into the division of resources and the performance of states in each area could provide a better sense of how much attention and resources prevailing wage enforcement receives, and the impact of this on an agency’s other duties.

“[The California Division of Labor Standards Enforcement] is in the process of establishing a specialized public works unit, that will monitor projects containing state construction bonds and/or public entities who utilize a design build procurement delivery system within its project. The unit would be responsible for cradle to grave monitoring and enforcement.” – California survey response

K.) Employee Misclassification Law Enforcement Body (see [table 12](#))

As with prevailing wage enforcement, employee misclassification is a wide-ranging topic largely beyond the scope of this report.³² Question 7 sought to identify which agency in each state is tasked with enforcing state worker misclassification laws. Though not the focus of this survey, employee misclassification represents an area of vigorous activity for state and federal regulators, as well as for policymakers. The practice of misclassifying employees as independent contractors negatively affects state tax revenues as well as workers' compensation and unemployment funds, and it denies misclassified employees access to overtime, pension plans, and employers' health insurance. In this way, misclassification work is inseparable from off-the-books employment, which similarly deprives employees of benefits and the state of payroll tax and social insurance premium payments.³³ Given

“[Maine’s] Unemployment Tax Division investigates misclassification only for the purpose of assessing the back payment of unemployment taxes when they have determined employer status. We often utilize the expertise of the Tax Division in determining employer status when we are attempting to investigate a wage claim and the employer claims the individual was an independent contractor.” – Maine survey response

how widespread the practice of misclassification is, stringent enforcement could raise non-compliant employers' costs significantly, while lowering the costs born by employers who obey the law.³⁴

Reflecting the fact that employee misclassification touches on a range of issues, in most states enforcement of misclassification laws cuts across multiple divisions and agencies. A plurality of states divided enforcement by issue, including tax, unemployment insurance, workers' compensation and wage and hour units, among others.

Another group of states, including New York, Massachusetts, Connecticut and New Hampshire

³² Employee misclassification occurs in two main ways: when an employer treats an employee like an independent contractor (exempting the employee from protections like overtime pay and the employer from obligations such as payment of employment taxes), or when employers do not acknowledge or declare their workers as employees on payroll records or business documents. M. Patricia Smith, N.Y. State Dep't of Labor, *Report of the Joint Enforcement Task Force on Employee Misclassification* 2, 4-5 (2008).

³³ James A. Parrott, Fiscal Policy Institute, *Employee Misclassification in New York Construction - Economic and Fiscal Costs* 9 (Jan. 7, 2011).

³⁴ Frank Neuhauser and Colleen Donovan, University of California, Berkeley, *Fraud in Workers' Compensation Payroll Reporting: How Much Employer Fraud Exists and How are Honest Employers Impacted?* 1-3 (finding that fraudulent under-reporting and misreporting of payroll resulted in increased workers' compensation insurance premiums being imposed on honest employers).

utilized misclassification taskforces composed of representatives from the aforementioned agencies. Only a few states – including Minnesota, Nebraska, Texas, Washington and the District of Columbia – reported housing misclassification regulators within the same division as their primary wage and hour regulators. However, it is difficult to say for sure whether misclassification work is performed by the same state employees who work on other wage and hour issues, or whether such work is assigned to a discrete unit within the wage and hour division or within the umbrella division under which the wage and hour unit also rests.

As with prevailing wage enforcement, it would be useful to know how many resources ostensibly dedicated to minimum wage, overtime and other core wage and hour work are assigned to misclassification work. Alternatively, how many additional resources are directed towards wage and hour work through cooperation with other agencies on misclassification issues?

L.) Mechanisms for Employee/Employer Outreach and Education (see [table 13](#))

Question 8 of the survey asked respondents to identify the ways in which their states educate employees and employers of 1.) their rights and obligations under wage and hour laws and 2.) the possibilities for enforcement and redress. The survey specifically asked whether the following methods/procedures were used to educate employees and employers: a website; outreach to church, employee or advocacy organizations; public speaking engagements; telephone hotline; required posting of wage and hour standards in the workplace; and distribution of educational/public relations materials.

All states responded that they used a website to assist in wage and hour enforcement.

All states except for Arizona, Nebraska and South Dakota reported performing some outreach. Only Missouri reported doing no public speaking events, although several states – including Rhode Island, Kentucky and Oregon – reported doing only minimal outreach of this kind due to resource limitations.

More states reported having no telephone hotline than having one, although it was not clear what respondents considered to be a hotline, as opposed to merely a telephone number by which a representative of the agency could theoretically be reached during regular business hours.

All but three respondents – Kansas, Montana and South Dakota – reported requiring wage and hour standards to be posted in workplaces.

All states reported distributing educational/public relations materials.

The amount of time, effort and resources expended on each method is likely to vary significantly by state. Further research could examine exactly what each state’s activities are in each of these areas. Further, the effectiveness of these methods of outreach will depend on their form, content and the extent of their use. There appears to be widespread recognition amongst states, however, that outreach and education play an important role in wage and hour enforcement. This subject area could benefit from additional research into the contribution that each of the activities mentioned above (and any other forms of outreach/education) make to enforcement of wage and hour laws.

M.) Resources for Non-English Speakers (see [table 14](#))

The states’ ability to adequately address wage and hour violations across all vulnerable populations is dependant on their ability to communicate with non-English speaking workers.³⁵ Without bilingual staff and materials, non-English speakers are likely to be unaware of their rights and obligations, hesitant to file claims, and unable to

“The agency lost its only Spanish speaking investigator and has, at present, been unable to replace her. This is a real need that is not being met at present. The agency has been filling the gap in this area through the assistance of state supported institutions of higher education; outside advocacy groups; and paid translators.” – Arkansas survey response

³⁵ See Randy Capps et al., *A Profile of Employees: Low-Wage: the Low-Wage Immigrant Workforce* (2003), [http://www.urban.org/Uploaded PDF/310880_lowwage_immig_wkfc.pdf](http://www.urban.org/UploadedPDF/310880_lowwage_immig_wkfc.pdf) (last visited April 4, 2011); U.S. General Accounting Office, *Worker Protection: Labor's Efforts to Enforce Protections for Day Laborers Could Benefit from Better Data and Guidance*, GAO 02-925 14 (2002), <http://www.gao.gov/new.items/d02925.pdf> (last visited April 4, 2011).

communicate with wage and hour investigators. Question 13 of the survey sought information on the resources states use to encourage communication with this segment of the population.

Many states provide education and outreach materials in languages other than English. This is perhaps the simplest, most cost-effective way to bring non-English speakers within the protection of state wage and hour laws. The availability of these non-English materials creates a need for translation services or the hiring of translators to facilitate communication with non-English speaking workers who contact state regulators with questions or complaints. Most states also have bilingual staff or access to interpreters as needed.

The vast majority of bilingual staff speak English and Spanish only.

California, Massachusetts, Minnesota, and Hawaii reported having interpreters and materials in the widest range of languages.

Alaska, New Hampshire and West Virginia were the only states that reported having no resources for non-english speakers.

Finally, a review of state websites found that seventeen had non-English translations of their websites.

DATA

Table 1. Workforce Statistics: Number of employees, percentage of workforce represented by unions, and number of employers/workplaces			
	NUMBER OF EMPLOYEES³⁶/ NUMBER OF LOW-WAGE WORKERS³⁷ (in thousands)	NUMBER OF EMPLOYERS	PERCENTAGE OF EMPLOYEES REPRESENTED BY UNIONS³⁸
Alabama	<u>Employees</u> 2010: 2,056 2009: 2,146 2007: 2,196 2008: 2,175 2006: 2,162 2005: 2,123 <u>Low-Wage</u> 2009: 80 2008: 47 2007: 37 2006: 43 2005: 36		2009: 12.0 % 2008: 10.7 % 2007: 10.6 % 2006: 10.0 % 2005: 11.7 %
Alaska	<u>Employees</u> 2010: 362 2009: 359 2008: 355 2007: 352 2006: 348 2005: 342 <u>Low-Wage</u> 2009: 5 2008: 2 2007: 2 2006: 2 2005: 1		2009: 23.6% 2008: 24.7% 2007: 24.7% 2006: 23.8% 2005: 24.1%

³⁶ United States Department of Labor, Bureau of Labor Statistics, Economy at a Glance, <http://www.bls.gov/eag/home.htm>

³⁷ U.S. Bureau of Labor Statistics, *Characteristics of Minimum Wage Workers*, <http://www.bls.gov/cps/earnings.htm#minwage> (workers at or below minimum wage).

³⁸ U.S. Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey, Access to Historical Data for the Tables of the Union Membership News Release, <http://www.bls.gov/webapps/legacy/cpslutab5.htm>.

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	NUMBER OF EMPLOYEES³⁶/ NUMBER OF LOW-WAGE WORKERS³⁷ (in thousands)	NUMBER OF EMPLOYERS	PERCENTAGE OF EMPLOYEES REPRESENTED BY UNIONS³⁸
Arizona	<u>Employees</u> 2010: 2,848 2009: 2,898 2008: 2,936 2007: 2,894 2006: 2,787 2005: 2,684 <u>Low-Wage</u> 2009: 59 2008: 46 2007: 28 2006: 53 2005: 47		2009: 7.9% 2008: 9.8% 2007: 9.7% 2006: 9.7% 2005: 7.7%
Arkansas	<u>Employees</u> 2010: 1,272 2009: 1,284 2008: 1,307 2007: 1,300 2006: 1,288 2005: 1,251 <u>Low-Wage</u> 2009: 53 2008: 26 2007: 17 2006: 26 2005: 25	2009: 84,505 2008: 84,580 2007: 81,891 2006: 80,210 2005: 76,665	2009: 5.0% 2008: 7.3% 2007: 6.5% 2006: 6.0% 2005: 6.0%
California	<u>Employees</u> 2010: 15,850 2009: 16,585 2008: 17,072 2007: 17,035 2006: 16,746 2005: 16,459 <u>Low-Wage</u> 2009: 140 2008: 86 2007: 74 2006: 60 2005: 82	(California Private Employer Establishments) 2010: 1,333,429 (Preliminary #'s) 2009: 1,277,371 2008: 1,255,662 2007: 1,222,196 2006: 1,229,505 2005: [not provided] 2004: 1,157,667 2003: 1,127,807 2002: 1,069,423 2001: 1,009,305	2009: 18.3% 2008: 19.5% 2007: 17.8% 2006: 16.9% 2005: 17.8%

Table 1. Workforce Statistics: Number of employees, percentage of workforce represented by unions, and number of employers/workplaces			
	NUMBER OF EMPLOYEES³⁶/ NUMBER OF LOW-WAGE WORKERS³⁷ (in thousands)	NUMBER OF EMPLOYERS	PERCENTAGE OF EMPLOYEES REPRESENTED BY UNIONS³⁸
Colorado	<u>Employees</u> 2010: 2,448 2009: 2,547 2008: 2,612 2007: 2,583 2006: 2,501 2005: 2,428 <u>Low-Wage</u> 2009: 44 2008: 48 2007: 25 2006: 37 2005: 34		2009: 18.3% 2008: 19.5% 2007: 17.8% 2006: 16.9% 2005: 17.8%
Connecticut	<u>Employees</u> 2010: 2,448 2009: 2,547 2008: 2,612 2007: 2,583 2006: 2,501 2005: 2,428 <u>Low-Wage</u> 2009: 25 2008: 16 2007: 14 2006: 13 2005: 9		2010: 16.6% 2009: 18.4% 2008: 17.9% 2007: 16.6% 2006: 16.5% 2005: 17.0%
Delaware	<u>Employees</u> 2010: 390 2009: 410 2008: 424 2007: 427 2006: 422 2005: 414 <u>Low-Wage</u> 2009: 10 2008: 6 2007: 5 2006: 6 2005: 4		2009: 12.8% 2008: 14.7% 2007: 12.8% 2006: 11.4% 2005: 12.9%

Table 1. Workforce Statistics: Number of employees, percentage of workforce represented by unions, and number of employers/workplaces			
	NUMBER OF EMPLOYEES³⁶/ NUMBER OF LOW-WAGE WORKERS³⁷ (in thousands)	NUMBER OF EMPLOYERS	PERCENTAGE OF EMPLOYEES REPRESENTED BY UNIONS³⁸
District of Columbia	<u>Employees</u> 2010: 295 2009: 304 2008: 315 2007: 310 2006: 301 2005: 296 <u>Low-Wage</u> 2009: 4 2008: 3 2007: 3 2006: 3 2005: 2		2009: 12.5% 2008: 14.3% 2007: 13.6% 2006: 12.2% 2005: 12.8%
Florida	<u>Employees</u> 2010: 8,131 2009: 8,406 2008: 8,725 2007: 8,725 2006: 8,476 2005: 8,155 <u>Low-Wage</u> 2009: 215 2008: 127 2007: 114 2006: 92 2005: 117		2009: 6.9% 2008: 7.9% 2007: 7.3% 2006: 6.5% 2005: 7.2%
Georgia	<u>Employees</u> 2010: 4,212 2009: 4,426 2008: 4,588 2007: 4,575 2006: 4,456 2005: 4,312 <u>Low-Wage</u> 2009: 141 2008: 76 2007: 70 2006: 55 2005: 66		2009: 5.9% 2008: 4.6% 2007: 5.4% 2006: 5.8% 2005: 6.0%

Table 1. Workforce Statistics: Number of employees, percentage of workforce represented by unions, and number of employers/workplaces			
	NUMBER OF EMPLOYEES³⁶/ NUMBER OF LOW-WAGE WORKERS³⁷ (in thousands)	NUMBER OF EMPLOYERS	PERCENTAGE OF EMPLOYEES REPRESENTED BY UNIONS³⁸
Hawaii	<u>Employees</u> 2010: 590 2009: 604 2008: 625 2007: 629 2006: 617 2005: 603 <u>Low-Wage</u> 2009: 9 2008: 5 2007: 4 2006: 4 2005: 4		2009: 24.3% 2008: 25.5% 2007: 24.2% 2006: 25.9% 2005: 26.7%
Idaho	<u>Employees</u> 2010: 683 2009: 702 2008: 727 2007: 727 2006: 708 2005: 683 <u>Low-Wage</u> 2009: 24 2008: 15 2007: 12 2006: 13 2005: 12		2009: 7.9% 2008: 8.0% 2007: 6.4% 2006: 7.2% 2005: 6.3%
Illinois	<u>Employees</u> 2010: 5,872 2009: 6,070 2008: 6,353 2007: 6,318 2006: 6,128 2005: 5,994 <u>Low-Wage</u> 2009: 103 2008: 80 2007: 74 2006: 76 2005: 77		2009: 18.3% 2008: 17.5% 2007: 15.2% 2006: 17.2% 2005: 17.6%

Table 1. Workforce Statistics: Number of employees, percentage of workforce represented by unions, and number of employers/workplaces			
	NUMBER OF EMPLOYEES³⁶/ NUMBER OF LOW-WAGE WORKERS³⁷ (in thousands)	NUMBER OF EMPLOYERS	PERCENTAGE OF EMPLOYEES REPRESENTED BY UNIONS³⁸
Indiana	<u>Employees</u> 2010: 2,810 2009: 2,958 2008: 3,090 2007: 3,100 2006: 3,069 2005: 3,010 <u>Low-Wage</u> 2009: 108 2008: 64 2007: 36 2006: 34 2005: 37		2009: 12.2% 2008: 13.7% 2007: 12.9% 2006: 13.0% 2005: 13.2%
Iowa	<u>Employees</u> 2010: 1,570 2009: 1,589 2008: 1,610 2007: 1,603 2006: 1,578 2005: 1,544 <u>Low-Wage</u> 2009: 40 2008: 21 2007: 24 2006: 21 2005: 20		2009: 13.3% 2008: 13.0% 2007: 13.1% 2006: 14.0% 2005: 13.5%
Kansas	<u>Employees</u> 2010: 1,418 2009: 1,423 2008: 1,428 2007: 1,421 2006: 1,399 2005: 1,387 <u>Low-Wage</u> 2009: 47 2008: 31 2007: 25 2006: 23 2005: 27		2009: 8.4% 2008: 8.7% 2007: 8.7% 2006: 9.3% 2005: 9.5%

Table 1. Workforce Statistics: Number of employees, percentage of workforce represented by unions, and number of employers/workplaces			
	NUMBER OF EMPLOYEES³⁶/ NUMBER OF LOW-WAGE WORKERS³⁷ (in thousands)	NUMBER OF EMPLOYERS	PERCENTAGE OF EMPLOYEES REPRESENTED BY UNIONS³⁸
Kentucky	<u>Employees</u> 2010: 1,849 2009: 1,885 2008: 1,926 2005: 1,864 2007: 1,939 2006: 1,901 <u>Low-Wage</u> 2009: 77 2008: 45 2007: 35 2006: 26 2005: 35		2009: 10.5% 2008: 9.6% 2007: 11.1% 2006: 11.2% 2005: 10.8%
Louisiana	<u>Employees</u> 2010: 1,920 2009: 1,957 2008: 1,973 2007: 1,935 2006: 1,885 2005: 1,955 <u>Low-Wage</u> 2009: 68 2008: 48 2007: 40 2006: 33 2005: 42		2009: 6.5% 2008: 5.6% 2007: 6.5% 2006: 7.2% 2005: 7.4%
Maine	<u>Employees</u> 2010: 647 2009: 654 2008: 671 2005: 654 2007: 672 2006: 664 <u>Low-Wage</u> 2009: 10 2008: 7 2007: 9 2006: 9 2005: 8		2009: 13.7% 2008: 14.7% 2007: 13.8% 2006: 13.5% 2005: 13.6%

Table 1. Workforce Statistics: Number of employees, percentage of workforce represented by unions, and number of employers/workplaces			
	NUMBER OF EMPLOYEES³⁶/ NUMBER OF LOW-WAGE WORKERS³⁷ (in thousands)	NUMBER OF EMPLOYERS	PERCENTAGE OF EMPLOYEES REPRESENTED BY UNIONS³⁸
Maryland	<u>Employees</u> 2010: 2,735 2009: 2,830 2008: 2,919 2007: 2,912 2006: 2,871 2005: 2,791 <u>Low-Wage</u> 2009: 67 2008: 37 2007: 27 2006: 22 2005: 28		2009: 14.3% 2008: 14.5% 2007: 14.5% 2006: 14.8% 2005: 15.0%
Massachusetts	<u>Employees</u> 2010: 3,143 2009: 3,232 2008: 3,296 2007: 3,284 2006: 3,238 2005: 3,210 <u>Low-Wage</u> 2009: 60 2008: 35 2007: 60 2006: 35 2005: 31		2009: 18.0% 2008: 16.9% 2007: 14.0% 2006: 15.3% 2005: 14.9%
Michigan	<u>Employees</u> 2010: 4,147 2009: 4,374 2008: 4,657 2007: 4,726 2006: 4,737 2005: 4,699 <u>Low-Wage</u> 2009: 104 2008: 73 2007: 58 2006: 72 2005: 88		2009: 19.9% 2008: 19.6% 2007: 20.6% 2006: 20.4% 2005: 21.4%

Table 1. Workforce Statistics: Number of employees, percentage of workforce represented by unions, and number of employers/workplaces			
	NUMBER OF EMPLOYEES³⁶/ NUMBER OF LOW-WAGE WORKERS³⁷ (in thousands)	NUMBER OF EMPLOYERS	PERCENTAGE OF EMPLOYEES REPRESENTED BY UNIONS³⁸
Minnesota	<u>Employees</u> 2010: 2,754 2009: 2,750 2008: 2,779 2007: 2,787 2006: 2,770 2005: 2,750 <u>Low-Wage</u> 2009: 76 2008: 40 2007: 21 2006: 13 2005: 29		2009: 15.7% 2008: 17.0% 2007: 17.0% 2006: 16.8% 2005: 16.4%
Mississippi	<u>Employees</u> 2010: 1,154 2009: 1,188 2008: 1,224 2005: 1,231 2007: 1,218 2006: 1,197 <u>Low-Wage</u> 2009: 47 2008: 40 2007: 31 2006: 19 2005: 23		2009: 6.4% 2008: 7.3% 2007: 8.9% 2006: 7.3% 2005: 9.7%
Missouri	<u>Employees</u> 2010: 2,711 2009: 2,807 2008: 2,892 2005: 2,837 2007: 2,913 2006: 2,872 <u>Low-Wage</u> 2009: 87 2008: 50 2007: 33 2006: 36 2005: 56	2009: 163,577 2008: 165,605 2007: 165,026 2006: 162,169 2005: 159,325	2009: 10.6% 2008: 12.8% 2007: 11.9% 2006: 11.9% 2005: 12.6%

Table 1. Workforce Statistics: Number of employees, percentage of workforce represented by unions, and number of employers/workplaces			
	NUMBER OF EMPLOYEES³⁶/ NUMBER OF LOW-WAGE WORKERS³⁷ (in thousands)	NUMBER OF EMPLOYERS	PERCENTAGE OF EMPLOYEES REPRESENTED BY UNIONS³⁸
Montana	<u>Employees</u> 2005: 459 2006: 471 2007: 485 2008: 490 2009: 476 2010: 462 <u>Low-Wage</u> 2009: 9 2008: 4 2007: 1 2006: 6 2005: 6	2009: 161,348 2008: 163,354 2007: 160,706 2006: 145,432 2005: 150,972 2004: 158,672	2009: 18.1% 2008: 15.7% 2007: 15.6% 2006: 13.1% 2005: 12.2%
Nebraska	<u>Employees</u> 2010: 938 2009: 949 2008: 962 2005: 936 2007: 950 2006: 939 <u>Low-Wage</u> 2009: 32 2008: 20 2007: 17 2006: 15 2005: 17		2009: 11.4% 2008: 10.7% 2007: 9.7% 2006: 9.5% 2005: 9.5%
Nevada	<u>Employees</u> 2010: 1,195 2009: 1,232 2008: 1,262 2005: 1,154 2007: 1,247 2006: 1,200 <u>Low-Wage</u> 2009: 23 2008: 16 2007: 12 2006: 15 2005: 19		2009: 17.2% 2008: 18.2% 2007: 17.7% 2006: 17.0% 2005: 15.1%

Table 1. Workforce Statistics: Number of employees, percentage of workforce represented by unions, and number of employers/workplaces			
	NUMBER OF EMPLOYEES³⁶/ NUMBER OF LOW-WAGE WORKERS³⁷ (in thousands)	NUMBER OF EMPLOYERS	PERCENTAGE OF EMPLOYEES REPRESENTED BY UNIONS³⁸
New Hampshire	<u>Employees</u> 2010: 691 2009: 704 2008: 717 2007: 714 2006: 703 2005: 692 <u>Low-Wage</u> 2009: 15 2008: 11 2007: 9 2006: 8 2005: 11		2009: 12.3% 2008: 12.4% 2007: 11.2% 2006: 11.3% 2005: 11.5%
New Jersey	<u>Employees</u> 2010: 4,084 2009: 4,186 2008: 4,285 2007: 4,282 2006: 4,248 2005: 4,173 <u>Low-Wage</u> 2009: 98 2008: 53 2007: 29 2006: 36 2005: 40		2009: 19.9% 2008: 19.0% 2007: 20.6% 2006: 21.6% 2005: 21.7%
New Mexico	<u>Employees</u> 2010: 880 2009: 904 2008: 919 2005: 857 2007: 907 2006: 882 <u>Low-Wage</u> 2009: 22 2008: 13 2007: 11 2006: 16 2005: 18		2009: 10.2% 2008: 11.6% 2007: 11.4% 2006: 11.5% 2005: 10.7%

Table 1. Workforce Statistics: Number of employees, percentage of workforce represented by unions, and number of employers/workplaces			
	NUMBER OF EMPLOYEES³⁶/ NUMBER OF LOW-WAGE WORKERS³⁷ (in thousands)	NUMBER OF EMPLOYERS	PERCENTAGE OF EMPLOYEES REPRESENTED BY UNIONS³⁸
New York	<u>Employees</u> 2010: 8,784 2009: 9,034 2008: 9,185 2007: 9,138 2006: 9,036 2005: 8,887 <u>Low-Wage</u> 2009: 192 2008: 100 2007: 88 2006: 67 2005: 95	2009: 563,063 2008: 565,124 2007: 558,786 2006: 553,516 2005: 547,433	2009: 27.2% 2008: 26.6% 2007: 26.3% 2006: 25.4% 2005: 27.5%
North Carolina	<u>Employees</u> 2010: 4,036 2009: 4,160 2008: 4,331 2007: 4,329 2006: 4,196 2005: 4,084 <u>Low-Wage</u> 2009: 136 2008: 78 2007: 46 2006: 52 2005: 58	2009: 245,189 2008: 250,244 2007: 244,851 2006: 235,452 2005: 226,410	2009: 4.4% 2008: 5.0% 2007: 3.9% 2006: 4.1% 2005: 3.9%
North Dakota	<u>Employees</u> 2010: 350 2009: 351 2008: 353 2007: 352 2006: 346 2005: 342 <u>Low-Wage</u> 2009: 12 2008: 8 2007: 5 2006: 6 2005: 4		2009: 9.8% 2008: 8.2% 2007: 7.6% 2006: 8.0% 2005: 9.2%

Table 1. Workforce Statistics: Number of employees, percentage of workforce represented by unions, and number of employers/workplaces			
	NUMBER OF EMPLOYEES³⁶/ NUMBER OF LOW-WAGE WORKERS³⁷ (in thousands)	NUMBER OF EMPLOYERS	PERCENTAGE OF EMPLOYEES REPRESENTED BY UNIONS³⁸
Ohio	<u>Employees</u> 2010: 5,270 2009: 5,480 2008: 5,648 2007: 5,661 2006: 5,584 2005: 5,511 <u>Low-Wage</u> 2009: 142 2008: 77 2007: 79 2006: 93 2005: 111		2009: 15.4% 2008: 15.5% 2007: 15.4% 2006: 15.5% 2005: 17.2%
Oklahoma	<u>Employees</u> 2010: 1,658 2009: 1,674 2008: 1,687 2007: 1,672 2006: 1,642 2005: 1,619 <u>Low-Wage</u> 2009: 57 2008: 48 2007: 25 2006: 30 2005: 36		2009: 7.3% 2008: 8.3% 2007: 8.5% 2006: 7.7% 2005: 6.4%
Oregon	<u>Employees</u> 2010: 1,733 2009: 1,780 2008: 1,834 2007: 1,817 2006: 1,767 2005: 1,727 <u>Low-Wage</u> 2009: 13 2008: 8 2007: 9 2006: 10 2005: 10		2009: 18.5% 2008: 17.4% 2007: 15.4% 2006: 14.7% 2005: 15.7%

Table 1. Workforce Statistics: Number of employees, percentage of workforce represented by unions, and number of employers/workplaces			
	NUMBER OF EMPLOYEES³⁶/ NUMBER OF LOW-WAGE WORKERS³⁷ (in thousands)	NUMBER OF EMPLOYERS	PERCENTAGE OF EMPLOYEES REPRESENTED BY UNIONS³⁸
Pennsylvania	<u>Employees</u> 2010: 5,857 2009: 6,018 2008: 6,097 2007: 6,067 2006: 5,999 2005: 5,934 <u>Low-Wage</u> 2009: 155 2008: 85 2007: 69 2006: 96 2005: 97		2009: 16.2% 2008: 16.3% 2007: 16.6% 2006: 14.7% 2005: 15.0%
Rhode Island	<u>Employees</u> 2010: 503 2009: 510 2008: 537 2007: 547 2006: 538 2005: 527 <u>Low-Wage</u> 2009: 11 2008: 6 2007: 7 2006: 7 2005: 8		2009: 18.7% 2008: 17.4% 2007: 15.8% 2006: 16.0% 2005: 16.8%
South Carolina	<u>Employees</u> 2010: 1,902 2009: 1,958 2008: 2,007 2007: 2,001 2006: 1,952 2005: 1,903 <u>Low-Wage</u> 2009: 60 2008: 66 2007: 47 2006: 33 2005: 34		2009: 5.4% 2008: 5.8% 2007: 5.9% 2006: 4.2% 2005: 3.3%

Table 1. Workforce Statistics: Number of employees, percentage of workforce represented by unions, and number of employers/workplaces			
	NUMBER OF EMPLOYEES³⁶/ NUMBER OF LOW-WAGE WORKERS³⁷ (in thousands)	NUMBER OF EMPLOYERS	PERCENTAGE OF EMPLOYEES REPRESENTED BY UNIONS³⁸
South Dakota	<u>Employees</u> 2010: 424 2009: 429 2008: 432 2007: 427 2006: 417 2005: 412 <u>Low-Wage</u> 2009: 13 2008: 6 2007: 6 2006: 6 2005: 9	2009: 29,883 2008: 29,900 2007: 29,549 2006: 29,154 2005: 28,703 2004: 28,023 2003: 27,387 2002: 27,149 2001: 27,214 2000: 26,898	2009: 5.4% 2008: 5.8% 2007: 5.9% 2006: 4.2% 2005: 3.3%
Tennessee	<u>Employees</u> 2010: 2,675 2009: 2,772 2008: 2,877 2007: 2,884 2006: 2,826 2005: 2,757 <u>Low-Wage</u> 2009: 96 2008: 89 2007: 39 2006: 49 2005: 51	Non-agriculture; Currently there are about 108,000 total employers in TN. 2009: 137,254 private worksites.	2009: 6.6% 2008: 6.6% 2007: 6.4% 2006: 6.8% 2005: 6.6%
Texas	<u>Employees</u> 2010: 11,095 2009: 11,038 2008: 11,025 2007: 10,901 2006: 10,661 2005: 10,475 <u>Low-Wage</u> 2009: 474 2008: 262 2007: 221 2006: 173 2005: 176	2009: 441,409 2008: 439,037 2007: 447,069 2006: 429,974 2005: 413,506	2009: 6.2% 2008: 5.6% 2007: 5.7% 2006: 5.9% 2005: 6.2%

Table 1. Workforce Statistics: Number of employees, percentage of workforce represented by unions, and number of employers/workplaces			
	NUMBER OF EMPLOYEES³⁶/ NUMBER OF LOW-WAGE WORKERS³⁷ (in thousands)	NUMBER OF EMPLOYERS	PERCENTAGE OF EMPLOYEES REPRESENTED BY UNIONS³⁸
Utah	<u>Employees</u> 2010: 1,251 2009: 1,298 2008: 1,325 2007: 1,312 2006: 1,260 2005: 1,207 <u>Low-Wage</u> 2009: 30 2008: 18 2007: 11 2006: 17 2005: 16		2009: 8.0% 2008: 7.1% 2007: 6.8% 2006: 6.1% 2005: 6.1%
Vermont	<u>Employees</u> 2010: 336 2009: 338 2008: 341 2007: 343 2006: 341 2005: 334 <u>Low-Wage</u> 2009: 5 2008: 4 2007: 4 2006: 3 2005: 3	2009: 23,061 2008: 23,337 2007: 23,213 2006: 22,843 2005: 22,768	2009: 14.1% 2008: 12.8% 2007: 12.2% 2006: 12.9% 2005: 13.0%
Virginia	<u>Employees</u> 2010: 3,861 2009: 3,939 2008: 3,972 2007: 3,936 2006: 3,842 2005: 3,740 <u>Low-Wage</u> 2009: 100 2008: 70 2007: 46 2006: 51 2005: 60		2009: 5.4% 2008: 5.0% 2007: 4.8% 2006: 5.2% 2005: 6.2%

Table 1. Workforce Statistics: Number of employees, percentage of workforce represented by unions, and number of employers/workplaces			
	NUMBER OF EMPLOYEES³⁶/ NUMBER OF LOW-WAGE WORKERS³⁷ (in thousands)	NUMBER OF EMPLOYERS	PERCENTAGE OF EMPLOYEES REPRESENTED BY UNIONS³⁸
Washington	<u>Employees</u> 2010: 3,188 2009: 3,261 2008: 3,288 2007: 3,203 2006: 3,132 2005: 3,041 <u>Low-Wage</u> 2009: 28 2008: 26 2007: 17 2006: 23 2005: 10		2009: 21.5% 2008: 21.5% 2007: 21.4% 2006: 21.0% 2005: 20.4%
West Virginia	<u>Employees</u> 2010: 714 2009: 756 2008: 783 2007: 787 2006: 774 2005: 756 <u>Low-Wage</u> 2009: 35 2008: 26 2007: 16 2006: 14 2005: 20		2009: 15.4% 2008: 15.3% 2007: 14.7% 2006: 15.5% 2005: 15.5%
Wisconsin	<u>Employees</u> 2010: 2,768 2009: 2,883 2008: 2,955 2007: 2,957 2006: 2,913 2005: 2,878 <u>Low-Wage</u> 2009: 98 2008: 53 2007: 32 2006: 34 2005: 27		2009: 15.8% 2008: 16.0% 2007: 15.4% 2006: 16.1% 2005: 17.2%

Table 1. Workforce Statistics: Number of employees, percentage of workforce represented by unions, and number of employers/workplaces			
	NUMBER OF EMPLOYEES³⁶/ NUMBER OF LOW-WAGE WORKERS³⁷ (in thousands)	NUMBER OF EMPLOYERS	PERCENTAGE OF EMPLOYEES REPRESENTED BY UNIONS³⁸
Wyoming	<u>Employees</u> 2010: 270 2009: 281 2008: 285 2007: 281 2006: 272 2005: 265 <u>Low-Wage</u> 2009: 8 2008: 7 2007: 4 2006: 4 2005: 4		2009: 8.3% 2008: 8.9% 2007: 9.4% 2006: 10.0% 2005: 9.5%

Table 2. State Agency with Primary Responsibility to Enforce Wage and Hour Standards; Agencies Providing Additional Support			
	STATE AGENCY WITH RESPONSIBILITY TO ENFORCE EXISTING WAGE AND HOUR LAWS	OTHER DEPARTMENTS THAT HANDLE WAGE AND HOUR ENFORCEMENT	ADDITIONAL INFORMATION
Alaska	Department of Labor and Workforce Development, Labor Standards and Safety Division, Wage and Hour Administration	The Attorney General office handles any Wage and Hour matters that are referred by Wage and Hour	
Arizona	Industrial Commission of Arizona	Arizona State Labor Department	N/A
Arkansas	Arkansas Department of Labor, Labor Standards Division	[no response]	
California	The Department of Industrial Relations' Division of Labor Standards Enforcement is the primary agency that handles state wage and hour enforcement issues in California.	The Attorney General's office has the authority to file lawsuits and on occasion, file lawsuits for both civil and criminal charges involving wage and hour issues. Employees may also file civil lawsuits in the court system.	In 1993, the Joint Enforcement Strike Force was established between the DLSE and various government agencies to address the underground economy. On July 1, 2005 the Economic and Employment Enforcement Coalition (EEEC) was launched. A partnership of state and federal agencies consisting of the Employment and Development Department (EDD), Cal OSHA, the Contractors State License Board, the Franchise Tax Board, and the Federal Department of Labor, each experts in their own field, the unit has collaborated for vigorous and targeted enforcement against unscrupulous businesses participating in the "underground economy" historically abusing the workforce in the garment manufacturing, janitorial, agriculture, car wash, construction, race track, and restaurant industries. The unit has concentrated its enforcement in the areas of workers' compensation, payment of less than minimum wage, cash pay with no deduction statement, child labor, no contractor's license, no farm labor contractor license, and no garment registration.
Connecticut	Labor Department-Wage and Workplace Standards Division	The Office of the Attorney General represents the Labor Department in civil and collection matters	There is a Joint Enforcement Commission on worker misclassification which includes the Worker's Compensation office, Labor Department, Department of Revenue Services (Tax), Attorney General, and Chief of State's Attorney (criminal)

Table 2. State Agency with Primary Responsibility to Enforce Wage and Hour Standards; Agencies Providing Additional Support			
	STATE AGENCY WITH RESPONSIBILITY TO ENFORCE EXISTING WAGE AND HOUR LAWS	OTHER DEPARTMENTS THAT HANDLE WAGE AND HOUR ENFORCEMENT	ADDITIONAL INFORMATION
District of Columbia	The D.C. Department of Employment Services, Office of Wage-Hour enforces the District's existing wage and hour laws.	Cases are referred from the Office of Wage-Hour to the Office of the Attorney General for prosecution in D.C. Superior Court when cases are not resolved administratively. No other District agencies handle wage-hour issues.	
Georgia	None		Citizens inquiring about unpaid wages are provided information on how to request help from the U.S. Department of Labor, Wage & Hour division, and how to initiate a claim for wages in Small Claims Court.
Hawaii	[Department of Labor & Industrial Relations,] Wage Standards Division	Deputy A.G.'s represent the State where there is an appeal or non-payment and a collection action must be filed.	Deputy A.G.'s represent the State where there is an appeal or non-payment and a collection action must be filed.
Idaho	Idaho Department of Labor / Wage & Hour Division	No	We collaborate with the Departments Unemployment Insurance, Tax and Fraud units to resolve any potential Wage & Hour Issues. We take referrals from all units listed above.
Illinois	Everything originates with IDOL. (Illinois Department of Labor)	Yes, Illinois Attorney General with court filing.	N/A
Indiana	The Indiana Department of Labor, Wage and Hour Division	[None,] to [respondent's] knowledge	
Kansas	Kansas Department of Labor	No	
Kentucky	The Kentucky Labor Cabinet, Division of Employment Standards, Apprenticeship and Mediation enforces Kentucky's wage and hour, child labor and prevailing wage statutes	The Attorney General's Office serves as the hearing officer for case investigations which are taken to an administrative hearing to resolve outstanding wage and hour issues	
Maine	Maine Dept. of Labor, Bureau of Labor Standards, Wage & Hour Division	No	We have a Task Force on Misclassification and through this we work with several other agencies by sharing information received. You can access this on the Dept. of Labor website www.maine.gov/labor/ and then click on "Misclassification Task Force".

Table 2. State Agency with Primary Responsibility to Enforce Wage and Hour Standards; Agencies Providing Additional Support			
	STATE AGENCY WITH RESPONSIBILITY TO ENFORCE EXISTING WAGE AND HOUR LAWS	OTHER DEPARTMENTS THAT HANDLE WAGE AND HOUR ENFORCEMENT	ADDITIONAL INFORMATION
Maryland	Maryland Department of Labor Licensing and Regulation, Division of Labor and Industry-Employment Standards Service, Prevailing Wage	Maryland Office of the Attorney General provides litigation assistance	N/A

Table 2. State Agency with Primary Responsibility to Enforce Wage and Hour Standards; Agencies Providing Additional Support			
	STATE AGENCY WITH RESPONSIBILITY TO ENFORCE EXISTING WAGE AND HOUR LAWS	OTHER DEPARTMENTS THAT HANDLE WAGE AND HOUR ENFORCEMENT	ADDITIONAL INFORMATION
Massachusetts	<p>Office of the Attorney General's Fair Labor Division is responsible for enforcing the prevailing wage, minimum wage, payment of wages, overtime, tip pooling, child labor, and Sunday and holiday premium pay laws.</p> <p>Source: http://www.mass.gov/?pageID=cagotopic&L=2&L0=Home&L1=Workplace+Rights&sid=Cago</p>	<p>Division of Occupational Safety administers the Commonwealth's Minimum Fair Wage Law, MGL ch. 151, sec. 1 through 22, but enforcement, as stated above, rests solely with the Fair Labor Division.</p> <p>Source: http://www.mass.gov/?pageID=elwdsbtopic&L=4&L0=Home&L1=Workers+and+Unions&L2=Wage+and+Employment+Related+Programs&L3=Minimum+Wage+Program&sid=Elwd</p>	<p>Joint Enforcement Task Force on the Underground Economy and Employee Misclassification is charged with coordinating the efforts of multiple state agencies to stamp out fraudulent employment activities by employers, the Task Force is working to level the playing field in order to increase fair business competition.</p> <p>The member agencies are:</p> <ul style="list-style-type: none"> • Department of Industrial Accidents • Division of Occupational Safety • Division of Unemployment Assistance • Division of Apprentice Training • Division of Career Services • Department of Revenue • Division of Capital Asset Management • Massachusetts Office for Refugees and Immigrants • Department of Housing and Community Development • Division of Professional Licensure • Office of Small Business and Entrepreneurship • State Office of Minority and Women Business Assistance • Executive Office of Public Safety and Security • Attorney General's Fair Labor Division • Alcoholic Beverages Control Commission <p>Source: http://www.mass.gov/dol/labortaskforce</p>

Table 2. State Agency with Primary Responsibility to Enforce Wage and Hour Standards; Agencies Providing Additional Support			
	STATE AGENCY WITH RESPONSIBILITY TO ENFORCE EXISTING WAGE AND HOUR LAWS	OTHER DEPARTMENTS THAT HANDLE WAGE AND HOUR ENFORCEMENT	ADDITIONAL INFORMATION
Michigan	[Michigan Department of Energy, Labor and Economic Growth; Wage and Hour Division] Source: http://www.michigan.gov/dleg/0,1607,7-154-27673---,00.html	AG enforces our orders, otherwise, no other MI agency	None
Minnesota	The Minnesota Department of Labor & Industry (DLI) has the responsibility to enforce existing wage and hour laws for the State of Minnesota.	Yes. If a finding from DLI is contested by an employer, the case may be referred to the Attorney General's office for litigation, public hearing or settlement negotiation.	Unknown.
Missouri	Department of Labor and Industrial Relations (DOLIR)/Division of Labor Standards (DLS)	[no response]	
Montana	Montana Department of Labor, Labor Standards Bureau	Attorney General, Montana Department of Transportation (for federal Highway public works contracts)	
Nebraska	Department of Labor, Office of Labor Standards	No	
New Hampshire	New Hampshire Department of Labor	NHDES [New Hampshire Department of Employment Security] handles new hire requirements and unemployment tax. The Attorney General's office would become involved to represent the NHDOL on appeal reports and certain formal decisions.	The state of NH has a Joint Task Force for the Misclassification of NH Workers.
New York	The New York State Department of Labor (NYSDOL) enforces wage and hour laws in NYS through two divisions: the Division of Labor Standards and the Bureau of Public Work. The Division of Labor Standards is responsible for enforcing wage and hour laws statewide. The Bureau of Public Work is responsible for enforcing prevailing wages on public work contracts on all projects let by the state or its political subdivisions with the exception of New York City. The New York City Comptroller's Office is responsible for enforcing prevailing wages on public work contracts let by New York City.	Yes. The NYS Attorney General's Office has a Labor Bureau that also investigates and enforces wage and hour cases. We are answering this survey for the NYS Department of Labor only.	An interagency Joint Enforcement Task Force addresses misclassification and off-the-books employment in all industries. Agencies involved in the Task Force are NYSDOL (Division of Labor Standards, Bureau of Public Work, Unemployment Insurance Division, and Office of Special Investigations), NYS Attorney General's Office, NYS Department of Taxation and Finance, NYS Workers' Compensation Board and Fraud Inspector General, and New York City Comptroller's Office.

Table 2. State Agency with Primary Responsibility to Enforce Wage and Hour Standards; Agencies Providing Additional Support			
	STATE AGENCY WITH RESPONSIBILITY TO ENFORCE EXISTING WAGE AND HOUR LAWS	OTHER DEPARTMENTS THAT HANDLE WAGE AND HOUR ENFORCEMENT	ADDITIONAL INFORMATION
North Carolina	North Carolina Department of Labor, Wage and Hour Bureau	N.C. Attorney General	
North Dakota	North Dakota Dept. of Labor	Office of the Attorney General	none
Ohio	The Ohio Department of Commerce, Division of Industrial Compliance & Labor Bureau of Labor and Worker Safety enforce state wage and hour laws in Ohio and The Ohio Attorney General's Labor Relations Section represents Commerce in litigation.	Ohio Attorney General, Ohio Department of Taxation, Ohio Department of Job and Family Services (ODJFS), Bureau of Workers Compensation (BWC)	Taskforce on Misclassification – Ohio Agencies: Commerce, Taxation, Worker's Compensation, Job & Family Services: the Ohio Governor's Office, the Ohio Attorney General's Office, and the U.S. Department of Labor.
Oregon	The Oregon Bureau of Labor and Industries (BOLI)	The Department of Justice pursues wage cases referred to it by BOLI, but not on its own initiative	
Pennsylvania	Bureau of Labor Law Compliance	[no response]	
Rhode Island	Department of Labor & Training, Workforce Regulation & Safety Division, Labor Standards Unit.	Attorney General's Office	N/A
South Carolina	Department of Labor, Licensing & Registration	N/A	N/A
South Dakota	Division of Labor & Management	No	
Tennessee	Tennessee Department of Labor & Workforce Development, Division of Labor Standards	The Tennessee Attorney General's Office assists the Division with the collection of penalties.	We work closely with the USDOL.
Texas	Texas Workforce Commission enforces Chapter 61 of the Texas Labor Code.	Texas Attorney General has the authority to pursue injunctive relief under Chapter 61.	N/A
Utah	Utah Labor Commission ,Wage Claim Unit	Yes. Our office enforces the Utah Payment of Wages Act and Utah Minimum Wage Act. If the wage claim process results in a final order against the employer and the employer refuses to pay, the case is referred to the Utah Office of State Debt Collection. An Assistant Attorney General from the Utah AG's Office is assigned to the Debt Collection Office to support their collection efforts.	
Vermont	Department of Labor	Wage & Hour violations that merit criminal penalties may be prosecuted by the Attorney General's Office.	State Wage & Hour works closely with Federal DOL when there is overlapping jurisdiction.

Table 2. State Agency with Primary Responsibility to Enforce Wage and Hour Standards; Agencies Providing Additional Support			
	STATE AGENCY WITH RESPONSIBILITY TO ENFORCE EXISTING WAGE AND HOUR LAWS	OTHER DEPARTMENTS THAT HANDLE WAGE AND HOUR ENFORCEMENT	ADDITIONAL INFORMATION
Washington	Washington State Department of Labor & Industries	Washington State Office of the Attorney General provides legal support on appealed decisions of Labor & Industries.	
West Virginia	West Virginia Division of Labor, Wage & Hour Section	No	Wage and Hour Inspectors are assigned other duties, along with their wage & hour responsibilities
Wisconsin	Equal Rights Division/Labor Standards Bureau	Only through referrals from the Equal Rights Division.	

Table 3. Yearly Budget of Primary Wage and Hour Enforcement Entity	
BUDGET ALLOCATED TO THE DIVISION IDENTIFIED IN TABLE 2	
Alabama	
Alaska	[Department of Labor and Workforce Development, Labor Standards and Safety Division, Wage and Hour Administration]: FY 10: \$2.128 million FY 09: \$2.056 million FY 08: \$2.14 million FY 07: \$1.6 million FY 06: \$1.6 million FY 05: \$1.428 million
Arizona	[Industrial Commission of Arizona]: The budget has remained consistent over the past five years. The Arizona State Labor Department is a division of the Industrial Commission of Arizona; division budgets are not maintained however approx. \$750,000 in total expenses have been attributed to this Department.
Arkansas	[Arkansas Department of Labor, Labor Standards Division]: FY 11: \$727,407 FY 10: \$750,889 FY 09: \$657,109 FY 08: \$703,397 FY 07: \$517,939 FY 06: \$497,829
California	Dept of Industrial Relations: FY 10-11: \$405.359 million FY 09-10: \$392.564 million FY 08-09: \$391.263 million FY 07-08: \$381.945 million Source: http://www.dof.ca.gov/budget/
Connecticut	Wage and Workplace Standards Division: FY 10-11: \$ 3,128,719 FY 09-10: \$ 3,083,513 FY 08-09: \$ 3,373,064 FY 07-08: \$ 3,110,279 FY 06-07: \$ 2,704,329
District of Columbia	[The D.C. Department of Employment Services, Office of Wage-Hour]: \$593,225 budget for Fiscal Year 2011
Hawaii	[Department of Labor & Industrial Relations, Wage Standards Division]: 1.25 million, then 1 million for the last fiscal biennium.
Idaho	[Idaho Department of Labor / Wage & Hour Division]: 2010: \$356,917.29 2009: \$477,771.27 2008: \$448,594.13 2007: \$446,552.88 2006: \$430,932.67
Illinois	Governor's Budget Office may have this. Not available.
Indiana	Unable to determine. The budget for wage and hour program functions is part of a combined budget including Administration and other program areas.

Table 3. Yearly Budget of Primary Wage and Hour Enforcement Entity	
BUDGET ALLOCATED TO THE DIVISION IDENTIFIED IN TABLE 2	
Kansas	[Kansas Department of Labor]: FY 2010: \$390,000 FY 2006: \$360,000
Kentucky	Kentucky's budget is allocated on a fiscal year ending in June of each year. The Division of Employment Standards, Apprenticeship and Mediation's budget has been the following amounts: 2010: \$1,820,300 2009: \$1,956,700 2008: \$2,410,000 2007: \$2,455,300 2006: \$2,602,200
Maine	I cannot break this down. The Wage & Hour Division is completely funded by General Fund and is part of the Bureau of Labor Standards. The total General Fund budget for the Bureau of Labor Standards is \$763,305, but this includes several positions and functions that fall under other divisions.
Maryland	Data not available
Massachusetts	[Office of the Attorney General's Fair Labor Division], Wage Enforcement Program: FY2011: \$2,931,848 FY2010: \$3,166,909 FY2009: \$3,576,934 FY2008: \$3,558,7867 Source: http://www.mass.gov/bb/gaa/fy2011/app_11/act_11/ha08100045.htm
Michigan	Unknown
Minnesota	2010: \$1,010,000 (\$300,000 prevailing wage enforcement) 2009: \$1,024,000 (\$300,000 prevailing wage enforcement) 2008: \$1,069,000 (\$360,000 prevailing wage enforcement, \$300,000 ongoing) 2007: \$658,000 2006: \$658,000
Missouri	[Department of Labor and Industrial Relations (DOLIR)/Division of Labor Standards (DLS)]: 2011: \$867,067 2010: \$864,448 2009: \$966,542 2008: \$955,229 2007: \$888,897
Montana	Budget information is specific to the Labor Standards Bureau, and includes personnel services, operating and equipment budget categories: FY 2011: \$1,502,068 FY 2010: \$1,489,061 FY 2009: \$1,425,000 FY 2008: \$1,304,356 FY 2007: \$1,046,590
Nebraska	[No response]

Table 3. Yearly Budget of Primary Wage and Hour Enforcement Entity	
BUDGET ALLOCATED TO THE DIVISION IDENTIFIED IN TABLE 2	
New Hampshire	The figures below are for the NH Department of Labor only: 2010: \$7,438,210 2009: \$7,070,960 2008: \$7,118,188 2007: \$6,081,588 2006: \$5,823,366
New York	FY 10-11: Labor Standards - \$17,474,000; Public Work - \$10,542,000 FY 09-10: Labor Standards - \$17,534,000; Public Work - \$10,663,000 FY 08-09: Labor Standards - \$16,658,000; Public Work - \$9,997,000 FY 07-08: Labor Standards - \$15,926,000; Public Work - \$9,620,000 FY 06-07: Labor Standards - \$14,411,000; Public Work - \$8,477,000 *State Fiscal Years (SFY) run from April 1 to March 31.
North Carolina	[North Carolina Department of Labor, Wage and Hour Bureau] FY 06: \$1,923,869 FY 07: \$1,872,319 FY 08: \$1,997,327 FY 09: \$2,045,117 FY 10: \$1,995,696
North Dakota	NDDOL [North Dakota Dept. of Labor] 7/1/05-6/30/07: \$1,460,204 7/1/07-6/30/09: \$1,561,623 Ag has own budget
Ohio	Until 2009, Labor & Worker Safety (LAWS) was its own Division within the Ohio Department of Commerce with a budget of approximately \$2 million from the Ohio general revenue fund. In 2009, the state legislature eliminated the funding and LAWS was merged into the Division of Industrial Compliance, which is completely self-funded, drawing revenue from permit, licensing and inspection fees.
Oregon	The data below includes only General Funds allocated to BOLI for wage and hour enforcement. The agency/Wage and Hour Division also receives other funds for its prevailing wage rate and Wage Security Fund programs: 2003-2005 biennium: \$2,829,294 2005-2007 biennium: \$2,914,753 2007-2009 biennium: \$3,380,113 2009-2011 biennium: \$3,422,673 <u>Wage Security Fund:</u> Oregon's Wage Security Fund, administered by the Bureau of Labor and Industries, protects Oregon workers from wage loss when a plant or company closes, and is without sufficient assets to pay the final wages of its employees. Qualified claimants may be paid from the fund for the amount they earned during the 60 days preceding the closure date of the business or the claimant's last day of employment, up to a maximum of \$4,000. The Oregon legislature enacted the Wage Security Fund in 1985, and began making payments in July, 1986. The bureau has paid over \$17 million from the fund to more than 16,000 displaced Oregon workers.
Pennsylvania	[no response]
Rhode Island	[no response]

Table 3. Yearly Budget of Primary Wage and Hour Enforcement Entity	
BUDGET ALLOCATED TO THE DIVISION IDENTIFIED IN TABLE 2	
South Carolina	Department of Labor, Licensing & Registration, Wage and Hour Office: \$150,000.00 is the budget for the wage and hour office. The budget has remained the same for the past 5 years.
South Dakota	Division of Labor & Management: 2009: \$45,504 2008: \$45,504 2007: \$41,825 2006: \$40,322 2005: \$38,180 2004: \$36,450 2003: \$35,388 2002: \$34,357 2001: \$33,357 2000: \$32,385
Tennessee	[Tennessee Department of Labor & Workforce Development, Division of Labor Standards]: 2010: \$1,396,906 2009: \$1,396,906 2008: \$1,382,300 2007: \$1,325,500 2006: \$1,278,900
Texas	[Texas Workforce Commission]: FY10: \$3,656,131 FY09: \$3,319,511 FY08: \$3,455,010 FY07: \$3,446,610 FY06: \$3,412,751
Utah	[no response]
Vermont	[Department of Labor] 2010-2011: \$188,933 2008-2009: \$198,877
Washington	The operating budget for both the Central Office and field operations for Labor & Industries in FY 2010 was \$2.6M.
West Virginia	[West Virginia Division of Labor, Wage & Hour Section]: 2010: \$1,226,707 2009: \$1,217,920 2008: \$1,018,415 2007: \$904,962 2006: \$863,651
Wisconsin	I do not have that information available to me.

Table 4. Human Resources Dedicated to Wage and Hour Enforcement				
	Full Time Employees/ Change in FTEs in past five years	Part-Time/ Support Staff	Furloughs or Layoffs	Percentage of time spent on wage and hour enforcement
Alaska	FTEs: 24 Change: [no response]	5	No	Approximately 75% spent on W&H
Arizona	12 [FTEs.] 3 fewer FTE's [now than five years ago.] The 3 fewer FTE's were not filled in 2007 to the present.	0 p/t; 3 administrative/ support staff	6 furlough days in fiscal year 2010-2011 all staff/no layoffs	95%
Arkansas	FY2011 13 FTEs FY2010 14 FTEs FY2009 13 FTEs FY2008 13 FTEs FY2007 11 FTEs FY2006 10 FTEs	All of the above are full-time. Administrative support staff are designated.	No	NA
California	2009-10: 422 2007-08: 439 2006-07: 439 2005-06: 422	Approximately 25% of the staff were in an administrative or support staff position.	Yes, DLSE has been subject to both furloughs and hiring freezes the past five years. Furloughs began at a rate of two furlough days per month from February 2009 through June 2009. In July 2009, furloughs days were increased to three days per month through June 2010. In July 2010, there were no furloughs. In August 2010, furloughs were reinstated at the rate of three days per month and are currently are still in effect for the Deputy Labor Commissioner classifications, who have not negotiated a new union agreement; however, there have been negation of some state employee union contracts representing auditors, entry level professional investigators and non represented supervisor staff which exchanged the three days per month of furloughs, for one day per month of paid leave beginning November 2010.	The Division of Labor Standards Enforcement (DLSE) investigators and staff work exclusively enforcing labor law. DLSE staff work exclusively on wage and hour enforcement depending on their area of expertise.

Table 4. Human Resources Dedicated to Wage and Hour Enforcement				
	Full Time Employees/ Change in FTEs in past five years	Part-Time/ Support Staff	Furloughs or Layoffs	Percentage of time spent on wage and hour enforcement
Connecticut	There are 40 full time employees in the Division of Wage and Workplace Standards. This number has remained the same for the last 5 years. This includes 2 managers, 3 supervisors, and 30 agents/investigators.	3 administrative attorneys at the Labor Department, on an “as needed” service. There are 5 administrative/clerical positions.	There have been 4 furlough days in 2009 and 3 in 2010	Four special investigators work solely on working conditions issues such as child labor and four wage enforcement agents primarily work on prevailing wage cases.
District of Columbia	Five (5) FTE's are currently assigned to the Office of Wage-Hour.	all five are full-time	no furloughs or layoffs in the past five years	all staff work on wage-hour issues
Hawaii	18 currently. In 2005 there were 24.	0 part time. 3 clerical.	Yes. Lost 5 field investigators and 1 tech supervisor	[no response]
Idaho	FTEs: 5	None, they were all fulltime.	No	All 5 compliance officers work exclusively on wage and hour enforcement. We are responsible for administering Idaho's minimum wage law, wage payment law, and farm labor contractor licensing law.
Illinois	Yes. We have 24 employees plus 2 openings that have not been filled, total 26. The numbers have changed but that was with people leaving and time it took to replace them.	1 Administrative. In addition there are 8 others and 5 attorneys plus 2 paralegals at the Attorney General's Office	Yes, furloughs 1 person 2009 and 2010	N/A
Indiana	Two and 1/2. One (1) wage claim processor, one (1) auditor, and the support of General Counsel. [This number] has declined.	One (1). General Counsel supports the wage and hour division.	No	N/A
Kansas	Nine	Two	No	30%

Table 4. Human Resources Dedicated to Wage and Hour Enforcement				
	Full Time Employees/ Change in FTEs in past five years	Part-Time/ Support Staff	Furloughs or Layoffs	Percentage of time spent on wage and hour enforcement
Kentucky	Currently, the Division of Employment Standards, Apprenticeship and Mediation has 24 employees (18 investigators, 2 program managers, 3 administrative assistants, and 1 case reviewer) dedicated to the enforcement of wage and hour, child labor and prevailing wage. The number of employees in the Division has been reduced dramatically over the past few years due to a decreasing budget. The Division has lost 6 investigative positions, 1 Director position and 1 prevailing wage specialist position due to the budget.	All employees are full time.	A furlough of 6 days is in place for employees for the current fiscal year.	[no response]
Maine	We have one Chief Inspector, 4 field inspectors, one clerical assigned to the Division part-time and one Division Director with no changes in the past 5 years.	None	Yes—all employees must take 10 unpaid shutdown days in fiscal year 7-1-09 to 6-30-10 and 7-1-10 to 6-30-10.	100% wage and hour
Maryland	15 ESS [Employment Standards Service] & 10 PW [Prevailing Wage]. Work Place Fraud started hiring in May 2010, fully staffed as of October 20, 2010	ESS & PW; 2 Supervisors, 1 Program Manager, 1 Attorney and 1 Office Secretary --- Workplace Fraud; 1 Attorney (Vacant) 1 Administrator, 1 Office Secretary, 1 Office Clerk	Yes	N/A

Table 4. Human Resources Dedicated to Wage and Hour Enforcement				
	Full Time Employees/ Change in FTEs in past five years	Part-Time/ Support Staff	Furloughs or Layoffs	Percentage of time spent on wage and hour enforcement
Massachusetts	<p>As of December 6, 2010:</p> <p>1 Bureau Chief 1 Division Chief 1 Deputy Division Chief 1 Chief of Investigations 1 Deputy Chief of Investigations 14 AAGs 19 Inspectors 5 Support 3 Other</p> <p>Note: Deputy Division Chief has been serving as both Deputy and Acting Division Chief until the new Division Chief was hired. The new Division Chief will start work on December 6, 2010.</p>	All full-time, except two AAGs, who are part-time.	Yes, 3 – 6 furlough days for 2010 depending on salary rate.	Work is exclusively related to wage and hour enforcement, except that two of our AAGs and our Deputy Division chief handle enforcement of the public bidding laws.
Michigan	<p>33 FTEs, but due to vacancies and hiring freeze, currently 26. Reduction in force (i.e. from 33 FTEs to 26) over time of 5 years</p>	6; administrative support has stayed constant.	yes, 2 years ago, furlough days (6 in year); furlough days in 2008 only	Full-time on wage enforcement
Minnesota	<p>There are currently 3 investigators assigned fulltime to wage and hour enforcement for DLI. FTE assigned to wage and hour enforcement:</p> <p>2010: 4 2009: 4 2008: 4 2007: 4 2006: 6</p>	None of these FTEs were part-time, administrative or support staff.	Prior to 2007, two prevailing investigators also participated in wage and hour enforcement. These positions were not eliminated, however these staff now work nearly exclusive on prevailing wage administration and enforcement.	In addition to the 3 FTE investigators, 4 prevailing wage investigators provide up to 15% of work time to wage and hour enforcement, 1 community support employee assists with wage and hour enforcement half time. There is also one support person and one supervisor who works on wage and hour enforcement half time.

Table 4. Human Resources Dedicated to Wage and Hour Enforcement				
	Full Time Employees/ Change in FTEs in past five years	Part-Time/ Support Staff	Furloughs or Layoffs	Percentage of time spent on wage and hour enforcement
Missouri	11 - 7 Wage & Hour Investigators, 3 Support Staff and 1 Wage Analyst.	3 support staff and 1 Wage Analyst	Yes. Wage & Hour Investigator FTEs over the past 5 years: FY-11=7 FY-10=11 FY-09=12 FY-08=12 FY-07=14	wage and hour investigators and support staff work exclusively on W + H issues
Montana	8 FTE; 1 Atty, not full-time. Staff increased by 2, three years ago.	1 Admin Support; 1 Compliance Technician	No	Compliance Technician: 70%
Nebraska	2011: 6 2010: 10 2009: 10 2008: 10 2007: 7	No Part time. 2 support staff until 2010. 1 support staff now.	We have experienced 2 layoffs in the past 5 years and currently are under mandatory furlough hours.	Currently 3 staff members spend approximately 25% of their time on Wage & Hour enforcement.
New Hampshire	16 full time employees	6 support staff	No staff have been furloughed or laid off, however, positions have been eliminated through attrition	Staff are exclusive to Wage & Hour enforcement.
New York	<u>Current FTEs:</u> LABOR STANDARDS: 148.0 including an 8-person permit-issuing unit PUBLIC WORK: 92.0 COUNSEL'S OFFICE: 10.5 ADMINISTRATIVE ADJUDICATION: 3.5 TOTAL: 254 Estimated 5% increase [in # of FTEs] over five years ago.	<u>Current Administrative & Support FTEs:</u> LS: 39.0 including the 8-person permit-issuing unit PW: 20.0 COUNSEL'S OFFICE: 3.0 ADMIN. ADJUDICATION 1.0 TOTAL: 63 Approximately the same as five years ago.	No	Numbers herein are given in Full-Time Equivalents (FTEs) working on wage & hour enforcement, unless otherwise stated
North Carolina	29 currently assigned; decreased over the last five years.	9	Yes	Yes, 90%

Table 4. Human Resources Dedicated to Wage and Hour Enforcement				
	Full Time Employees/ Change in FTEs in past five years	Part-Time/ Support Staff	Furloughs or Layoffs	Percentage of time spent on wage and hour enforcement
North Dakota	11; increased by 1 compliance investigator	1	No	1 admin staff spends 20% of time on Wage and hour enforcement
Ohio	<p>Currently, at Commerce: one (1) Wage & Hour Investigator Supervisor (started December 6, 2010), seven (7) investigators, and five (5) office staff, Division of Industrial Compliance & Labor Chief Counsel has been performing in dual-capacity as Interim Bureau Chief of Labor & Worker Safety since October 1, 2010, while continuing in her role as counsel. An Assistant Division Counsel was hired and started on October 12, 2010 and provides additional legal support to the Bureau. Commerce is in the process of hiring five (5) additional investigators. However, two (2) investigators will be retiring in January 2011 and their positions will not be filled, thus the total number of investigators will only be ten (10), even with the additional hires.</p> <p>Currently, at the Ohio Attorney General's Office: seven (7) attorneys and two (2) support staff in the Labor Relations Section represent the Bureau of Labor & Worker Safety in Litigation, however, they also handle a high case load of non-wage litigation for other state agencies.</p>	<p>Please see above</p> <p>[Currently, at Commerce: . . . five (5) office staff. Currently, at the Ohio Attorney General's Office: . . . two (2) support staff in the Labor Relations Section.]</p>	<p>Until 2009, the Bureau of Labor & Worker Safety was its own division within the Ohio Department of Commerce. Due to defunding by the state legislature, the Division of Labor & Worker Safety has merged into the Division of Industrial Compliance & Labor. As a result of this merger, there was reduction in personnel. The Superintendent of the Division of Labor & Worker Safety and its chief counsel both left and the supervisor who assumed the Interim Chief role retired on September 30 2010. The investigator staff was reduced by half, due to retirement and voluntary job changes.</p>	<p>LAWS investigators and office support staff work exclusively on wage and hour enforcement.</p>

Table 4. Human Resources Dedicated to Wage and Hour Enforcement				
	Full Time Employees/ Change in FTEs in past five years	Part-Time/ Support Staff	Furloughs or Layoffs	Percentage of time spent on wage and hour enforcement
Oregon	The data below includes all FTE authorized to the Wage and Hour Division: 2003-2005 biennium: 30.62 FTE 2005-2007 biennium: 33.5 FTE 2007-2009 biennium: 34.75 FTE 2009-2011 biennium: 33.00 FTE	Office specialists: 1.5. Admin specialists: 9 TOTAL: 10.5	Yes; all state employees have been required to take several furlough days in the 2009-2011 biennium. The number of days required depends on the employee's salary range level.	Our non-PWR investigators work primarily on wage and hour enforcement matters.
Pennsylvania	[no response]	[T]here are seven administrative/ support positions	No	90%
Rhode Island	4 plus access to Director's legal staff. Reduced from 7 in 2006; 6 in 2007; 3 in 2008	1 administrator, 2 clerical, 1 examiner.	No	90%
South Carolina	2 Investigators. Staff reduced from 10 FTEs to 2 FTEs [in past five years]. The staff reductions were in 2005.	One part-time Investigator	Layoffs of 4 Investigators; reassignment of 2 Investigators	100%
South Dakota	1. [no change over the past five years]	0	0	N/A
Tennessee	18 [no change over the past five years]	Part-time: 0 Administrative Assistants: 4	No, however, there have been positions that have remained unfilled. Currently there are 18 positions, of which 15 are filled.	We enforce the Wage Regulation Act and the Prevailing Wage Act. These account for roughly 65% of what we enforce.
Texas	FY10=38 FY09=35 FY08=30 FY07=33 FY06=33 *Fiscal Year (FY) = September 1 thru August 30	0 part time, 6 admin assistants, and 1 trainer	No	N/A

Table 4. Human Resources Dedicated to Wage and Hour Enforcement				
	Full Time Employees/ Change in FTEs in past five years	Part-Time/ Support Staff	Furloughs or Layoffs	Percentage of time spent on wage and hour enforcement
Utah	8 FTEs. 1 manager, 1 administrative law judge, 3 investigators, 2 intake officers and 1 post-orders clerk (post-orders clerk schedules settlement conferences, mediations and hearings; sends out a demand letter after an order for payment is issued and has been neither paid nor appealed; and prepares judgment abstracts, which become part of any referral to the Office of State Debt Collection). The number of FTEs was increased from 7 to 8 in December 2008.	0	none	The investigators, intake officers and post -orders clerk work exclusively on W + H issues. The ALJ and the manager spend approximately 5% of their time on enforcement of the Utah Employment of Minors Act
Vermont	2; 1 specialist and 1 director. [number has not changed over past five years]	1 F/T Admin Support, 1 F/T Director	No [furloughs or layoffs.] Director Position vacant approximately 25% of last 4 years.	10 % of Quality Control Unit Administrative Personnel's time spent on assisting Wage & Hour Unit.
Washington	There are currently 16 Industrial Relations Agents in the field, plus 3 field supervisors. This has stayed relatively the same in the past 4 years.	All are full time. There is no dedicated support staff that only handles wage/hour issues.	Yes	Industrial Relations Agents work exclusively on wage/hour enforcement.
West Virginia	23 full time positions, 1 part time Assistant Attorney General. Field Inspector positions have increased from 11 to 15 in the last 2 years.	Assistant Attorney General: 1	No	80 to 85 percent of their time is spent on Wage & Hour issues
Wisconsin	7. Reduced by 7 employees.	2	Yes, 8 furlough days per fiscal year.	Exclusively on wage and hour

Table 5. Enforcement Procedures and Number of Staff Assigned to Collections			
	Enforcement Procedures	Number of Staff Assigned to Collections	Additional Information
Alaska	Investigators look into each complaint on an individual basis. Some cases are filed in Small Claims Court by the investigator and they present the case. If we receive a judgment, we issue writs of execution to collect. Under the prevailing wage program, we can withhold money from the contract to pay the workers. We hold informal conferences, issue notices of determination and can hold hearings.	No attorneys. Each investigator is responsible for their own collection efforts. We have a total of 15 investigators.	If a case filed in Small Claims Court and is bumped to Superior Court, it is sent to our Attorney General's office and assigned to an Assistant AG. If a case (prevailing wage cases only) is scheduled for a hearing, a Wage and Hour Investigator acts as an advocate and one acts as the Hearing Officer. Staff have attended the National Judicial College in Reno, NV for Hearing Officer training.
Arizona	File Superior Court judgment	0	Department does not actively pursue collections; Superior Court judgment is filed & provided to employee who must record and institute collection.
Arkansas	Civil lawsuits and civil money penalties.	The Legal Division is a separate division from the Labor Standards Division. It consists of 2 full-time attorneys and a legal assistant. They handle the legal work for the Labor Standards Division, as well as the legal work for the rest of the agency. For the Labor Standards Division, this includes, litigation, collection work, representation at administrative hearings, and drafting regulations or proposed legislation.	The ADL has one part-time Administrative Law Judge. The agency has a full-time executive secretary who serves as his assistant.
California	[no response]	We currently have five employees who are assigned in the collections unit as follows: one staff attorney, one legal secretary, one collector, one clerical worker and one supervisor. In addition, we have a Memorandum of Understanding with the Franchise Tax Board that supports seven additional workers to perform collection activities.	
Connecticut	Once a determination is made that Wages are due, we seek voluntary compliance through payment, criminal action if payment is not made and/or civil action to recover the wages.	We have 3 attorneys on a part-time basis in the Attorney General's office to collect wages.	There is no administrative appeal to our determinations. The law also allows for private cause of action to recover wages.

Table 5. Enforcement Procedures and Number of Staff Assigned to Collections			
	Enforcement Procedures	Number of Staff Assigned to Collections	Additional Information
District of Columbia	Procedures used: (1) audits of payroll records (2) fact-finding conferences	We do not have a "collection unit". Each compliance specialist responsible for follow-up, then referral to Associate Director of Wage-Hour when collection not made.	The wage-hour laws of the District provide that matters can be prosecuted in DC Superior Court and that prosecution is through the Attorney General's Office of the District of Columbia.
Hawaii		No full time devoted to collections, only ad-hoc.	
Idaho	We have a formal wage claim process we use to determine if a violation has occurred. If one has occurred we will write a determination informing both parties of our findings. If payment is not made we then refer to the claim to collections to potentially have a lien filed on the employee's behalf. We also have a appeals process set in place, in case either party disagrees with one of the compliance officers findings.	We have one attorney assigned to the Wage & Hour unit. We also have access to 3 other lawyers for any question that may arise.	We have all of the examples listed above, except we act as mediators for wage claims.
Illinois	[no response]	The whole unit, they do all aspects.	3 Externs in legal that helped research special issues.
Indiana	Voluntary cooperation. Indiana law does not authorize the Indiana Department of Labor, Wage and Hour division to issue citations, impose fines, or levy civil penalties for violation of Indiana wage and hour laws.	None	
Kansas	[no response]	Two	
Kentucky	Investigators are responsible for conducting the investigation and collecting back wages determined due. If an investigator is unable to collect the back wages, a tentative findings of fact is issued and an administrative hearing conducted.	The General Counsel's Office (a separate office) becomes involved if a case goes to an administrative hearing.	

Table 5. Enforcement Procedures and Number of Staff Assigned to Collections			
	Enforcement Procedures	Number of Staff Assigned to Collections	Additional Information
Maine	There is no collections unit. Each inspector attempts to resolve issue with payment; if inspector cannot resolve, division director sends letter; if unable to resolve most cases are referred to a civil action by the employee (law allows triple damages, interest and legal fees for unpaid final wages). We only refer cases involving numerous employees to the AG	None	We have one attorney who handles legal cases, but she is not specifically assigned to Wage & Hour and actually works at the Office of Attorney General. Since our wage laws carry civil remedies for the employees, we only forward cases involving numerous employees. Our attorney currently has two pending cases for Wage & Hour.
Maryland	Maryland Office of the Attorney General provides litigation assistance	Data not available	N/A
Massachusetts	Citations, liens, criminal prosecutions, settlement agreements and demand letters.	We do not have a collections unit. 1 staff person handles restitution that has been obtained by virtue of: - Payments after receipt of non-payment of wages complaint - Payments a result of settlement agreements - Citations payments: civil restitution and penalties	
Michigan	Lengthy investigation(s)	Administrative procedures and penalties through civil action by the Attorney General's office	
Minnesota	The Minnesota Fair Labor Standards Act gives the Commissioner of DLI the power to enforce Orders issued for violations of wage and hour laws.	If an employer fails to object to an Order and fails to pay back wages and / or fines due under such an order, the Order is forwarded to Minnesota Collections Enterprise (MCE) for collection.	The DLI has a legal services unit that serves as general legal counsel for the LSU staff. There is one primary attorney and one backup attorney to provide legal services to the LSU (in addition to other units of DLI).
Missouri	Administrative procedures and penalties through civil action by the Attorney General's office.	Missouri does not have a wage collection law. Employees have a right to pursue a private right of action. The Attorney General's office can pursue civil penalties relating to Prevailing Wage and Child Labor. There are no civil penalties in the Minimum Wage Law. And they do not take any action to recover wages owed.	

Table 5. Enforcement Procedures and Number of Staff Assigned to Collections			
	Enforcement Procedures	Number of Staff Assigned to Collections	Additional Information
Montana	Sheriff Departments and or Collection Agency.	Two (1 Compliance Technician and 1 Attorney) not full time.	Department of Labor Hearings Bureau, and or Collection Agency, and individuals also have private right of action.
Nebraska	[no response]	No attorneys. Currently 3 staff.	
New Hampshire	Civil court	4, not exclusive to Wage & Hour, and 1 attorney assists from the Attorney General's office as well.	

Table 5. Enforcement Procedures and Number of Staff Assigned to Collections			
	Enforcement Procedures	Number of Staff Assigned to Collections	Additional Information
New York	<p><u>Labor Standards:</u> The investigating unit serves notice to the employer of the amount found due and other violations and seeks payment from the employer, by stipulation. If the employer disagrees, the investigating unit may, at its option, schedule a brief informal case resolution conference presided over by an attorney from the Administrative Adjudication Unit (AAU) within the Department of Labor.</p> <p>More usually, the investigating unit will not use an informal case resolution conference and will instead direct the collections unit within Labor Standards to issue an Order to Comply demanding payment of the principal plus interest, liquidated damages and civil penalty. If the employer does not pay or appeal within 60 days, the Order to Comply becomes final and acquires the full force and effect of a judgment in court. The collections unit then files a judgment with the county clerk, notifies the employer of the judgment filing, searches for assets, and may levy accounts.</p> <p>If the employer does appeal, the Industrial Board of Appeals holds a formal hearing and renders a decision. If the decision upholds, or partially upholds, the Order to Comply, the collections unit within Labor Standards makes any necessary adjustments in the amounts, updates the interest, and solicits payment. If not paid within 30 days, the collections unit then files a judgment, notifies the employer of the judgment filing, researches assets, and may levy accounts.</p> <p>The IBA decision can be, but is seldom, appealed by either the employer or the Department of Labor in an Article 78 proceeding.</p> <p><u>Public Work:</u> The Bureau directs the public agency with jurisdiction over the contract to withhold payments to the prime contractor in amounts sufficient to satisfy unpaid wages, interest and penalties, pending a final determination, unless the public funds have already been disbursed to the employer. The investigating unit serves notice (termed an Order to Comply) to the employer of the amount found due and other violations and requests payment by stipulation. If a contractor appeals the Bureau's Order, a formal hearing is held by the Administrative Adjudication Unit within the Department of Labor. At the conclusion of the hearing, the hearing officer writes a report to the Commissioner of Labor. Upon her approval, a Final Order and Determination is issued.</p> <p>The employer has 30 days to either pay or appeal the Order and Determination in an Article 78 proceeding in civil court. If neither paid nor appealed, the matter is referred to the NYS Attorney General's office for collection.</p>	<p><u>Labor Standards:</u> has a 6-person collections unit comprised of 1 supervising investigator, 1 senior investigator, 1 investigator, and 3 clericals. The collections unit is responsible for issuing Orders to Comply, processing payments on Orders to Comply, and tracking appeals, as well as entering judgments and taking collection actions.</p> <p><u>Public Work:</u> has no collections unit. If departmental processes fail to produce payment, the final Order and Determination is referred to the NYS Attorney General's Office for collection.</p>	<p><u>Labor Standards:</u> A NYS Industrial Board of Appeals (IBA) has 5 appointed board members, 2 staff attorneys, and 2 secretaries. It hears employer appeals of Orders to Comply in wage and hour cases and reviews several other labor-related matters. Wage and hour cases constitute over 90% of the IBA's work.</p>

Table 5. Enforcement Procedures and Number of Staff Assigned to Collections			
	Enforcement Procedures	Number of Staff Assigned to Collections	Additional Information
North Carolina	General Court System for wages; Administrative Hearing Officers for Civil Money Penalties	None directly, handled through Attorney General Office	
North Dakota	[no response]	1 attorney; 1 paralegal	none
Ohio	Complaints by employees and interested third-parties, referrals, and proactive investigations.	There is no collections unit at the Division on Industrial Compliance & Labor, Collections matters are referred to the Ohio Attorney General's Office. Commerce utilizes the Revenue Recovery section of the Ohio AG. That section handles revenue recovery for all Ohio state agencies.	Until December 2010, the Ohio Department of Commerce employed three hearing officers who handled administrative appeals. However, these appeals will be handled by external contract hearing officers after the New Year. In the past, Commerce has handled administrative appeals by external hearing officers.
Oregon	When a wage claim is filed with the Wage and Hour Division of BOLI, a Notice of Claim letter is sent to the employer, requesting the payment of wages due or evidence that wages are not owed. If the employer does not respond to this Notice or disputes the claim, the claim is assigned for investigation to a compliance specialist. If the compliance specialist determines that wages are owed but is unable to collect them, an administrative (contested case hearing) proceeding is initiated in which the employer may request a hearing or court trial. If the agency "wins" at hearing or court trial, a judgment is obtained.	BOLI refers its judgments for collection to the Oregon Department of Revenue	
Pennsylvania	We file claims with a district justice or if necessary with Common Pleas Court	None full time	There is an appeals board associated with our Prevailing Wage Law
Rhode Island	Conferences, Hearings, refer cases to AG (over \$1,500)	none	We use the director's legal staff for consultations, hearings officers, appeals to Superior Court.
South Carolina	Investigative unit	One Attorney assigned	Administrative law judges hear our appealed cases

Table 5. Enforcement Procedures and Number of Staff Assigned to Collections			
	Enforcement Procedures	Number of Staff Assigned to Collections	Additional Information
South Dakota	We contact the employer by letter, inform it that we have concluded the complaint is valid, and encourage them to comply with the law. If the employer does not, we inform the employee that it will be necessary for him or her to take legal action to enforce the claim, and offer the results of our investigation for use in any legal proceedings.	0	N/A
Tennessee	Steps in Collection: Mediation, Informal Conference, Formal Conference, referred to Attorney General	1 attorney is assigned to the Labor Standards on an as needed basis.	All of our investigators attend the CLEAR (Council of Licensure Enforcement and Regulation) training.
Texas	Collections Unit	Two attorneys and nine collection staff	There are appeals hearings FTEs that are not specifically assigned to the wage and hour department.
Utah	[no response]	[no response]	
Vermont	Follow up with letter or phone call and advised of laws. If necessary, follow up with findings of fact.	None, but there us access to Staff Attorney on an as needed basis.	
Virginia			
Washington	We issue citations and enforce collection through internal collection department.	N/A	Outside of this agency there are 6 Assistant Attorney General employees that work on Wage/Hour cases that have been appealed.
West Virginia	Administrative hearing process, magistrate's court and Circuit court.	12 field inspectors and 2 supervisors. The individual Wage & Hour Inspectors investigate wage complaints from opening until closed and are responsible for the collections.	West Virginia Division of Labor has mandatory continuous training for all wage & Hour Staff.
Wisconsin	We work with the district attorney's office in each of the 72 counties in the state for prosecution of claims. Some district attorney's offices are better than others about enforcement. With large or complex cases we made a prosecution referral to the attorney general's office.	There is one lawyer assigned to work with our claims.	

Table 6. Procedures for Identifying Wage and Hour Violations				
	Procedures for identifying potential wage and hour violations	Individual Complaint Procedure and Percentage	Proactive inspection and investigation	Referral From Outside Organizations and Outreach Programs
Alaska	A wage claim is filed by a claimant and it is assigned to an investigator. They send letters, schedule conferences and have telephonic interviews. We try to resolve the case by conference and persuasion. If that doesn't work, we may close the case or file in Small Claims Court. If it is a prevailing wage case, we send letters, schedule conferences, withhold money, may hold a hearing and may disperse the withheld money.	Yes. For wage and hour matters that ARE NOT PREVAILING wage, 95% of the cases are taken from notarized and sworn wage complaints filed by the claimant. Wage and Hour prevailing wage matters come from on-site visits, anonymous complaints, sworn complaints and certified payroll audits.	Not the general rule for Wage and Hour, we do this for prevailing wage and child labor. 50% prevailing wage and 95% child labor. Construction for prevailing wage and all industries for child labor	Yes
Arizona	[no response]	Yes; 100%	No	No
Arkansas	Complaints and routine inspections/ investigations	Approximately 90%	Approximately 10%. Small mom-and-pop operations not covered by the federal FLSA are prioritized. Occasionally, we will work in conjunction with the USDL in Arkansas to focus on a targeted industry.	Yes.

Table 6. Procedures for Identifying Wage and Hour Violations				
	Procedures for identifying potential wage and hour violations	Individual Complaint Procedure and Percentage	Proactive inspection and investigation	Referral From Outside Organizations and Outreach Programs
California	<p>Any employee who has a claim against his or her employer or former employer for unpaid wages or other compensation, which falls under the jurisdiction of the Labor Commissioner, may file a claim with DLSE which is under the direction of the State Labor Commissioner....</p> <p>The Labor Commissioner, pursuant to the provisions of Labor Code Sections 98 and 98.3, has established procedures for investigating wage complaints, which may include either a conference pursuant to Section 98.3 or a hearing pursuant to Section 98(a), or both.</p> <p>Sometimes claims are filed which are very complex and involve a large number of employees and records. Such claims will usually be investigated by DLSE's Bureau of Field Enforcement and not through the procedures described in this pamphlet. If this occurs, the parties will be so informed by the deputy handling the case. However, the majority of claims filed with DLSE are resolved through Section 98.3 conferences and/or Section 98(a) hearings that are explained in this pamphlet.</p>	<p><u>Wage Claim Adjudication Unit:</u> 100% from claims</p> <p><u>Public Works Unit:</u> 100% from complaints</p> <p><u>Bureau of Field Enforcement:</u> 60% from complaints</p> <p><u>Retaliation Unit:</u> 100% from complaints</p>	<p>The DLSE has an active Bureau of Field Enforcement (BOFE) that conducts inspections and investigations from a variety of sources including complaints, random inspections and targeted enforcement; however, the majority of investigations are complaint driven. Investigations can occur in all industries, but there is a special emphasis on industries with historical labor law abuses such as the construction, agriculture, restaurant, car wash, garment, auto repair and pallet industries.</p>	<p>DLSE has hosted and participates in a variety of seminars to educate both workers and employers of their rights and obligations.</p>
Connecticut	[no response]	95%. We have an individual complaint form that is available from our website. We also take tips from the public and anonymous complaints if they have specific information	About 5% of our investigative activity is proactive mostly in the worker misclassification area. We are currently focusing on construction jobs and restaurants.	We conduct employer breakfast seminars on specific topics. We also attend many forums on all employment issues hosted by law firms and business groups.
District of Columbia	[no response]	Currently, the majority of our activity is complaint driven due to the limited staffing.	Currently, little activity is proactive due to limited staffing	When requested, we attend forums and provide outreach to community organizations.

Table 6. Procedures for Identifying Wage and Hour Violations				
	Procedures for identifying potential wage and hour violations	Individual Complaint Procedure and Percentage	Proactive inspection and investigation	Referral From Outside Organizations and Outreach Programs
Hawaii	Complaint driven.	[Yes.] 95%	5%. Public works construction prevailing wage.	Yes. We host outreach and attend other organizations conferences to educate about the law and promote compliance.
Idaho	To identify any potential wage claims we must be contacted by an employer or employee who believes a wage payment issue exists.	We handle all wages claims filed on a case by case basis. 90% of all wage claims are initiated by a employee of former employee who believes their employer is or has violated any one of Idaho's Wage Payment Laws.	We do not target any particular industry for our investigations we handle and accept all potential violations individually. We must first get informed of a complaint before we take action.	Yes, we are willing to give presentations to any and all who ask. We can do employer visits to meet a employer's management staff to inform the employer of Idaho's Wage Payment Laws.
Illinois	Claim driven	100%	None	Yes. Community organizations like church groups, ethnic organizations.
Indiana	[no response]	One hundred percent (100%).	None	No.
Kansas	Individual complaints, telephone and written inquiries and referrals from other agencies	85%	No	No
Kentucky	Onsite Investigations	Yes. Today, in excess of 90% of the enforcement work is derived from a formal complaint.	Limited due to budget reductions. Directed inspections are generally conducted on construction sites to ensure employers are in compliance with Kentucky's prevailing wage laws.	Today, general presentations are very limited due to budget and staff reductions.

Table 6. Procedures for Identifying Wage and Hour Violations				
	Procedures for identifying potential wage and hour violations	Individual Complaint Procedure and Percentage	Proactive inspection and investigation	Referral From Outside Organizations and Outreach Programs
Maine	[no response]	This is just a rough guess, but currently the Division has a very heavy complaint load—roughly 1000 per year. Probably 75% of our enforcement right now is taken up with complaint investigation.	In normal times, probably 60 to 75% of our enforcement work is from proactive inspections. In the past two years, about 25 to 40% of our work is through proactive inspections and the rest of the time is spent on complaint investigations. We have a system whereby certain criteria are applied to generate a list for each inspector. Certain industries are targeted based on where children are working; where there were legislative changes that might affect the business, business classes that haven't been targeted for 3 years, repeat visits to offenders and a certain number of random selections done by computer.	We work closely with the U.S. Dept. of Labor. We also have an Outreach Unit which sets up displays at public forums/conferences, etc. Inspectors speak to groups of employers when requested as a pro-active approach to enforcement.
Maryland	Complaint Driven Compliance and work site investigations	100% ESS, 1% PW	0% Employment Standards Service, 99% Prevailing Wage. [Investigations not limited to certain industries or issues]	No

Table 6. Procedures for Identifying Wage and Hour Violations				
	Procedures for identifying potential wage and hour violations	Individual Complaint Procedure and Percentage	Proactive inspection and investigation	Referral From Outside Organizations and Outreach Programs
Massachusetts	Written complaint forms, Hotline calls from employees, employers, and general public, Competitor complaints, Unions, Community advocacy groups, Anonymous calls and written complaints, Cross agency referrals	Approximately 95%	Due to budget limitations, only 10 % of enforcement work is proactive. Proactive inspections are not limited to certain industries. However, the Division has targeted industries in which wage issues have been rampant. E.g., cleaning, painting, asbestos removal, drywall, restaurants, paving.	Yes, we have a full-time Outreach Coordinator. The Outreach Coordinator performs outreach with outside organizations, industries, agencies, and community/advocacy groups. The Division also participates in the Fair Wage Campaign, a collaboration of various community groups and legal services organizations that advocates for improved and strategic enforcement of wage and hour laws. Members include: <ul style="list-style-type: none"> • Brazilian Immigrant Center, • Brazilian Women’s Group, • Centro Presente, • Chelsea Collaborative, • Chinese Progressive Association, • Greater Boston Legal Services • Jobs with Justice, • MassCOSH, • Mass. Interfaith Worker Alliance, • Mass. Immigrant and Refugee Advocacy (MIRA) The Deputy Division Chief also lectures and presents on a number of wage and hour and Public bidding issues.
Michigan	per statute, only by individual worker written claim	[no response]	[no response]	[no response]

Table 6. Procedures for Identifying Wage and Hour Violations				
	Procedures for identifying potential wage and hour violations	Individual Complaint Procedure and Percentage	Proactive inspection and investigation	Referral From Outside Organizations and Outreach Programs
Minnesota	The Labor Standards Unit (LSU) of DLI identifies potential wage and hour violations primarily through communications with employees working for businesses they believe are in violation of the wage and hour laws. Employees call, write, fax, e-mail and walk-in to our office to complain about their employer's practices. Complaints are also accepted on behalf of employees from authorized representatives, parents or spouses of employees.	We receive individual complaints from current employees of businesses. Approximately 90% of our enforcement work comes from this area.	The Unit does not conduct proactive inspections or investigations, however proactive outreach and education is performed when the unit becomes aware that minors may be at employment risk. Also, The Labor Standards Unit will investigate child labor complaints that result from any concerned citizen, parent or school official reporting a potential violation. We will also investigate any potential child labor violations that we are notified of through mandatory reporting to our OSHA and worker's compensation units. Approximately 5% of our enforcement work comes through this source.	The LSU has an outreach specialist who facilitates forums with outside organizations. Approximately 5% of our enforcement work comes through this source.
Missouri	[no response]	Yes. Approximately 95%.	Do perform some routine investigations. They are random investigations to assure compliance with State Labor Laws. It has varied from 5 to 10% over the years. Not limited to certain industries, no industries are prioritized.	Minimal. The Division of Labor does not host/attend forums or perform other outreach, but we do presentations and provide educational outreach upon request relating to employers and employees rights and responsibilities under the laws.

Table 6. Procedures for Identifying Wage and Hour Violations				
	Procedures for identifying potential wage and hour violations	Individual Complaint Procedure and Percentage	Proactive inspection and investigation	Referral From Outside Organizations and Outreach Programs
Montana	Primarily complaint driven process, however we have the ability to do field inspections and on-site visits are also conducted for prevailing wage (public contracts) activities.	Yes; 98%. (This percentage relates to wage and hour issues only. The other 2% would relate to what is termed as 'complaint letters' that are sent proactively to employers to head off any potential infractions.)	Yes, however data is only available for the last three fiscal years. FY 09-10=10% FY 08-09=10% FY 07-08=6% (These percentages relate only to prevailing wage/public contracts and not regular wage and hour issues. The percentage based on enforcement works would need to be modified as follows: FY 09-10: 6.5% FY 08-09: 8% FY 07-08: 4%) Public works contracts and projects funded by public money involving construction and nonconstructions service contractors are prioritized.	Yes; Trade organizations; educational facilities (High Schools, Vo-Techs).
Nebraska	We use an online complaint form system.	95%	Occasionally, 5%. Investigations are not limited to certain industries.	Not at this time with limited staff.
New Hampshire	[no response]	Yes, 90%	Yes, not limited to certain industries.	Education through public speaking presentations to employers

Table 6. Procedures for Identifying Wage and Hour Violations				
	Procedures for identifying potential wage and hour violations	Individual Complaint Procedure and Percentage	Proactive inspection and investigation	Referral From Outside Organizations and Outreach Programs
New York	[no response]	Yes. Labor Standards: 75% Public Work: 85%	<p><u>Labor Standards</u>: 20% Proactive investigations can be of any industry. The following industries have been the subjects of proactive inspections and investigations: garment factories, construction sites, farms, horse racing tracks, home health care agencies, restaurants, summer resort and beach businesses, car washes, carnivals, fairs, outdoor food vendors, dry cleaners, nail salons, neighborhood commercial strips, grocery & specialty food stores, retail stores during the holiday season, summer youth employment programs run by municipalities. Issues investigated have included minimum wage, overtime, child labor, and farm labor.</p> <p><u>Public Work</u>: 10% All investigations are limited to publicly financed construction and building service contracts. Issues investigated have included prevailing rates, occupational misclassification and overtime.</p> <p>Issues in the proactive investigations by both divisions include misclassification as independent contractors and off-the-books employment. With other Task Force divisions and agencies involved, the issues have included unemployment taxes, payroll taxes and Workers Compensation payments due.</p>	<p><u>Labor Standards</u>: 5%</p> <p><u>Public Work</u>: 5%</p> <p>Yes, Labor Standards and Public Work staff members attend forums and speak before groups. Labor Standards gives 50 – 60 seminars for employers each year. The NYS DOL’s Bureau of Immigrant Workers Rights employs several outreach workers to immigrant communities.</p>
North Carolina	We use both employee complaints (primary) and non-complaint investigator visits.	Yes. 95% for the last fiscal year.	Yes. 5%. They are based on investigation histories.	Yes.
North Dakota	[no response]	Yes; 95%	No	Yes; 5%
Ohio	Complaints by employees and interested third-parties, referrals, and proactive investigations.	Yes (for purposes of this question, individual complaint can be filed by employee or interested third-party). 95%	Yes. 5%. No (industries prioritized).	Yes.

Table 6. Procedures for Identifying Wage and Hour Violations				
	Procedures for identifying potential wage and hour violations	Individual Complaint Procedure and Percentage	Proactive inspection and investigation	Referral From Outside Organizations and Outreach Programs
Oregon	[no response]	BOLI accepts and pursues wage claims from employees for unpaid wages and complaints for non-wage issues, e.g., rest/meal period violations. Wage and Hour investigations conducted by BOLI are all complaint-driven.	The only proactive investigations conducted are in the areas of farm labor, misclassification issues, and persons employed to gather signatures for initiative and referendum petitions.	The agency participates in an interagency compliance group to identify and pursue misclassification issues.
Pennsylvania	We are complaint driven.	Yes; 95%. A complaint may be filed online or by mail or fax.	5%. They are limited to prevailing wage work	Yes. We investigate all complaints regardless of the source.
Rhode Island	Wage complaints filed by the public	Yes. 95%	Not at this time	Occasionally, as time allows.
South Carolina	Investigations	Yes, 98%	[All] Complaint Driven, 0% [proactive enforcement]	Investigators speak to different organizations (tax group, CPAs)
South Dakota	[no response]	Yes, 99%	No	Yes, 1%.
Tennessee	All complaints originate telephonically, although we do allow for walk-ins.	100%	No, all wage/hour investigations are complaint driven.	We do monthly training on all the laws that we enforce. We do outreach to all employment agencies, local organizations, etc.
Texas	Investigations of complaints under a payday wage claim process.	100% Individual Complaint process	No	No
Utah	[no response]	Yes; Approximately 90%. In addition to the formal wage claim process, there is an intake procedure where intake officers answer inquiries from the public (workers and employers) that don't necessarily result in investigation or a wage claim.	Yes, we have the authority to do so but don't have the resources to regularly proactively inspect businesses for which no wage claim has been filed. Occasionally (approx 10 times/yr), we will make inquiries by phone, initiated by a complaint or tip that is not a formal wage claim. Approximately 5% [of enforcement work comes from this source.]	Yes [regarding referrals from outside organizations.] [W]e do perform educational outreach to outside organizations including a monthly presentation to private sector small business employers concerning Utah wage laws.

Table 6. Procedures for Identifying Wage and Hour Violations				
	Procedures for identifying potential wage and hour violations	Individual Complaint Procedure and Percentage	Proactive inspection and investigation	Referral From Outside Organizations and Outreach Programs
Washington	[no response]	Yes; 100%	Investigations are initiated by wage complaints. An employee of either public or private sector may file a wage complaint. There is no limitation on industry, however, a minor injury or complaint is given priority.	Yes.
West Virginia	Routine visits to Businesses, Complaints received from employees and former employees	Yes; 60%.	Yes; 25%; All businesses with employees in West Virginia, No type of business is prioritized.	Yes [to both]
Wisconsin	Wage complaint forms.	95%	5% No industries prioritized.	Yes

Table 7. Enforcement Data: Individual Complaints, Investigations and Resolutions			
	Methods of Enforcement	Individual complaints each year for the past five years	Investigations Opened
Alaska	[no response]	On average 350 each year for general wage and hour: [Wage Claims]: 2010: 365 2009: 420 2008: 467 2007: 514 2006: 514	On average 350 year
Arizona	[no response]	FY 2009: 2514 FY 2008: 3295 FY 2007: 2943 FY 2006: 2864 FY 2005: 2904	[All Complaints investigated]
Arkansas	[no response]	<u>Wage and Hour</u> (minimum wage, overtime, prevailing wage) FY 2010: 239 inspections, covering 4222 employees FY 2009: 182 inspections, covering 2902 employees FY 2008: 190 inspections, covering 5414 employees FY 2007: number of inspections unknown FY 2006: number of inspections unknown <u>Wage Claims</u> (individual employee claims, mostly last paychecks) FY 2010: 425 claims filed FY 2009: 447 claims filed FY 2008: 567 claims filed FY 2007: 497 claims filed FY 2006: 506 claims filed	[no response]

Table 7. Enforcement Data: Individual Complaints, Investigations and Resolutions			
	Methods of Enforcement	Individual complaints each year for the past five years	Investigations Opened
California	[no response]	<p>The Wage Claim Adjudication office of DLSE received the following number of wage claims from workers:</p> <p>2006: 38,873 2007: 41,539 2008: 45,137 2009: 42,205</p>	<p>The following inspections and citations were issued by our BOFE and PW Units as follows:</p> <p>2005: 5,965 Inspections</p> <p>2006: 5,196 Inspections 2,419 Citations</p> <p>2007: 8,639 Inspections 4,800 Citations</p> <p>2008: 9,413 Inspections 5,521 Citations</p> <p>2009: 9,053 Inspections 4,465 Citations</p>
Connecticut	<p>We are guided by our statutes which provide us the authority to inspect records during business hours, issue subpoenas, and seek criminal prosecution for hindering an investigation. We make personal visits. Telephone calls or send letters to help make determination of violations.</p>	<p>Total complaints include wage and hour (min. wage and overtime), wage enforcement (unpaid wages), public contract, and service contract complaints.</p> <p>7/1/2010-present: 1104 FY09-10: 4048 FY08-09: 4985 FY07-08: 4722 FY06-07: 4756</p> <p>FY runs from July 1 to June 30.</p>	<p>7/1/2010-present: 1044 FY 09-10: 3633 FY 08-09: 4578 FY 07-08: 4305 FY 06-07: 4492</p>
District of Columbia	[no response]	<p>Complaints filed:</p> <p>2010: 1144 2009: 523 2008: 431 2007: 503 2006: 431</p>	<p>All investigations opened are investigated.</p>

Table 7. Enforcement Data: Individual Complaints, Investigations and Resolutions			
	Methods of Enforcement	Individual complaints each year for the past five years	Investigations Opened
Hawaii		<u>FY 2010</u> Prevailing Wage: 20 Unpaid Wages: 514 Min. Wage & Overtime: 54 Unlawful Termination: 83 TOTAL: 671 <u>FY 2009</u> Prevailing Wage: 18 Unpaid Wages: 608 Min. Wage & Overtime: 58 Unlawful Termination: 111 TOTAL: 795 <u>FY 2008</u> Prevailing Wage: 27 Unpaid Wages: 623 Min. Wage & Overtime: 77 Unlawful Termination: 76 TOTAL: 803 <u>FY 2007</u> Prevailing Wage: 31 Unpaid Wages: 591 Min. Wage & Overtime: 71 Unlawful Termination: 82 TOTAL: 775 <u>FY 2006</u> Prevailing Wage: 17 Unpaid Wages: 387 Min. Wage & Overtime: 62 Unlawful Termination: 110 TOTAL: 576	[no response]
Idaho	Most of our correspondence is done via the mail or over the phone. We also have an open door policy so we also meet with customers who report to the local office. We notify, inform and mediate all disputes.	2010 (not complete to date): 1,542 2009: 1532 2008: 1643 2007: 1814 2006: 984.	[same as complaints]
Illinois	Investigations, hearing letters, then Attorney General Office form resp.	2010: 6,891 2009: 7,912 2008: 7,550 2007: 7,505 2006: 8,000	Same. Each complaint is opened as an investigation.
Indiana	Voluntary cooperation	Data not available. These data were not captured prior to 2009. In 2009 and 2010 receipts were 140 per month average.	Data not available

Table 7. Enforcement Data: Individual Complaints, Investigations and Resolutions			
	Methods of Enforcement	Individual complaints each year for the past five years	Investigations Opened
Kansas		1476 1383 1445 1312 1217 [years not provided]	1341 1281 1328 1147 1045 [years not provided]
Kentucky	Enforcement is achieved through onsite investigations and phone conciliations.	In fiscal year ending June 2010, 1934 employee complaints were filed and assigned for investigation.	[no response]
Maine	We attempt to resolve complaints in person by telephone/personal visit by inspector. We conduct public speaking when possible to groups of employers to educate.	FY05-06: 672 complaints FY06-07: 731 complaints FY07-08: 879 complaints FY08-09: 985 complaints FY09-10: 1077 complaints	[same as complaints]
Maryland	Desk audits, written correspondence and settlement / conciliation conferences	An average of 1560 Employment Standards Service cases are filed each year for the last 3 FY.	An average of 1560 are completed each year.
Massachusetts		2010 (as of November): 3,023 complaints 2009: 3,883 complaints 2008: 3,890 complaints 2007: 3,425 complaints 2006: 3,469 complaints	[same as complaints]
Minnesota		2010: 470 2009: 545 2008: 539 2007: 414 2006: 311	<u>2010: 470</u> <u>2009: 545</u> <u>2008: 539</u> <u>2007: 414</u> <u>2006: 311</u>
Michigan	investigation and final/determination order	FY 2010: 7,215 FY 2009: 6,995 FY 2008: 7,784 FY 2007: 7,026 FY 2006: 6,214 *FY is prior year, Oct. 1 through current year Sept. 30	<u>Complaints Investigated</u> 2010: 6391 2009: 6560 2008: 6898 2007: 6347 2006: 5435 2005: 5126 2004: 5005 2003: 4953 2002: 5650 Source: http://www.michigan.gov/dleg/0,1607,7-154-27673_27751_27767-40365--,00.html

Table 7. Enforcement Data: Individual Complaints, Investigations and Resolutions			
	Methods of Enforcement	Individual complaints each year for the past five years	Investigations Opened
Missouri	Cases assigned to investigators who complete an investigation to assure compliance	PW=Prevailing Wage MW=Minimum Wage <u>FY 2010</u> PW: 436; MW: 576; T: 1012 <u>FY 2009</u> PW: 315; MW: 700; T: 1015 <u>FY 2008</u> PW: 286; MW: 638; T: 924 <u>FY 2007</u> PW: 165; MW: 160; T: 325	An investigation is opened for each complaint received.
Montana	(Administrative Process) Issuance of Decisions; Orders on Default; Judgments; Fines and or Penalties; and Debarment actions.	FY 09-10: 779 FY 08-09: 964 FY 07-08: 941 FY 06-07: 916 FY 05-06: 970	FY 09-10: 874 FY 08-09: 1073 FY 07-08: 1011 FY 06-07: 916 FY 05-06: 970 includes individual claims and prevailing wage on-site visits and audits.
Nebraska	[no response]	Don't keep a record of this number	2009: 1,841 2008: 1,644 2007: 1,535 2006: 1,313 2005: 1,033
New Hampshire	[no response]	<u>Inspections</u> 2009: 1,144 2008: 931 2007: 639 2006: 873 2005: 728 <u>Individual Claims</u> 2009: 1112 2008: 1256 2007: 1237 2006: 1284 2005: 1317	2009: 1144 2008: 931 2007: 639 2006: 873 2005: 728

Table 7. Enforcement Data: Individual Complaints, Investigations and Resolutions			
	Methods of Enforcement	Individual complaints each year for the past five years	Investigations Opened
New York	[no response]	Data not available	<u>2009</u> Labor Standards: 7588 Public Work: 1893 Total: 9481 <u>2008</u> LS: 8414 PW: 880 Total: 9294 <u>2007</u> LS: 6628 PW: 477 Total: 7105 <u>2006</u> LS: 7553 PW: 528 Total: 8081 <u>2005</u> LS: 7702 PW: 618 Total: 8320
North Dakota	Litigation, criminal violation	7/1/05 – 6/30/07: 595 7/1/07 – 6/30/09: 690	[same as complaints]
North Carolina	[no response]	FY 2010: 5,649 FY 2009: 4,917 FY 2008: 6,133 FY 2007: 4,974 FY 2006: 6,425	[same as complaints]
Ohio	Investigations (interviews and audits of payroll records), issuance of back wage & penalty determinations, demand letters, phone calls, and litigation through AG's office.	Information was not tracked. However, very few complaints are denied investigation, so the number of complaints filed is not much greater than the number of investigations actually opened.	Minimum wage: 2010: 944 2009: 915 2008: 955 2007: 954 2006: 462 2005: 344
Oregon	[no response]	Numbers of wage claims received: FY 09-10: 2,309 FY 08-09: 2,877 FY 07-08: 2,427 FY 06-07: 2,654 FY 05-06: 2,558	FY 09-10: 2,120 FY 08-09: 2,409 FY 07-08: 2,444 FY 06-07: 2,413 FY 05-06: 2,407

Table 7. Enforcement Data: Individual Complaints, Investigations and Resolutions			
	Methods of Enforcement	Individual complaints each year for the past five years	Investigations Opened
Pennsylvania	Interviews with workers and employers, conferences with both parties; Certified demand letters; audits of company records; court action is necessary	35,582 individual claims were filed [years not specified]	Each claim filed counts as an investigation, therefore there were 35,582 investigations [years not specified]
Rhode Island	Demand letters, conferences, hearings, referral to AG.	Between 600 to 700 each year.	Approximately 500 each year.
South Carolina	Investigators perform investigation. Investigative report is reviewed by supervisor. If violations are found, supervisor issues citations to the employer.	Approximately 900 per year. The number of complaints has not fluctuated that much over the past 5 years. I do not have the exact number but the last 5 years we have receives between 850- 950 per year.	<p>Approximately 900 per year</p> <p>Wage complaints investigated *</p> <p>FY 08-09: 854</p> <p>FY 07-08: 916</p> <p>FY 06-07: 761</p> <p>FY 05-06: 575</p> <p>FY 04-05: 1,564</p> <p>Wage violations cited</p> <p>FY 08-09: 2,770</p> <p>FY 07-08: 3,083</p> <p>FY 06-07: 2,978</p> <p>FY 05-06: 2,144</p> <p>FY 04-05: 4,022</p> <p>*Source: S.C. Department of Labor, Licensing and Regulation, <i>Annual Report</i>, available at http://www.llr.state.sc.us/AboutUs/MediaCenter/index.asp?file=annreport.htm</p>
South Dakota	[no response]	Approximately 200 annually. We do not track specifically.	Approximately 200 annually. We do not track specifically.

Table 7. Enforcement Data: Individual Complaints, Investigations and Resolutions			
	Methods of Enforcement	Individual complaints each year for the past five years	Investigations Opened
Tennessee	The same steps for collection, however, our statute does not give us strong enforcement powers.	<p>We average approximately 40,000 telephone calls per year, out of that number we have about 500 wage complaints per year.</p> <p>Wage complaints* FY 09-10: 530 FY 08-09: 839 FY 07-08: 842 FY 06-07: 1,094 FY 05-06: 1,243</p> <p>Prevailing wage inspections*: FY 09-10: 504 FY 08-09: 596 FY 07-08: 694 FY 06-07: 542 FY 05-06: 569</p> <p>*Source for wage complaints and PW inspections: TN Dept. of Labor and Workforce Development, Annual Reports, available at http://www.tn.gov/labor-wfd/publication.htm.</p>	[no response]
Texas	Investigation department issues a written determination order for wages unpaid and the collection unit pursues collection action against employers that do not pay.	<u>Complaints received</u> FY 2010: 15,247 FY 2009: 13,711 FY 2008: 15,151 FY 2007: 14,741 FY 2006: 15,301	<u>Complaints worked/resolved</u> FY 2010: 18,304 FY 2009: 15,963 FY 2008: 12,675 FY 2007: 14,152 FY 2006: 17,111
Utah	Investigation, adjudication, issuance of findings and orders, demand letters, heavy use of mediation.	<u>Wage claims filed</u> FY 2010: 2,082 FY 2009: 2,721 FY 2008: 1,937 FY 2007: 1,737 FY 2006: 1,505	[same as complaints]
Vermont	Letters/Phone calls	2010: 184 2009: 220 2008: 350 2007: 415 2006: 283 2005: 396	Varies-300-400

Table 7. Enforcement Data: Individual Complaints, Investigations and Resolutions			
	Methods of Enforcement	Individual complaints each year for the past five years	Investigations Opened
Washington	Investigation of records, interview employer/employee/witnesses. Failure to pay wages owed results in a Notice of Assessment and Citation.	<u>Wage payment complaints (new)</u> 2010: 3,537* 2009: 4,393 2008: 3,611 2007: 3,823 *As of November 16, 2010	<u>Wage payments complaints (closed)</u> 2010: 3,805* 2009: 3,905 2008: 4,655 2007: 3,805 *As of November 16, 2010
West Virginia	[no response]	[no response]	FY 09-10: 572 FY 08-09: 638
Wisconsin		<p>Between 4,000 and 4,500 per year. In 2006 and 2007 we were above 4000 claims. I do not have specific data available for that. For the calendar year ending 12/31/08 we received 3982. For the calendar year ending 12/31/09 we received 3593. We are on track to do about the same this year.</p> <p>My boss, who retired in April 2010 after 34+ years, stated that he has seen this trend before. When the economy is bad the number of our claims drops off. When the economy improves more people file claims again.</p>	All of them.

Table 8. Complaint/Case Resolutions by Type	
Alaska	<p><u>Dismissed:</u> Wage Claims Determined Invalid: 2010: 90; 2009: 117; 2008: 103; 2007: 115; 2006: 95</p> <p><u>Referred to AG:</u> 2010: 0; 2009: 0; 2008: 16; 2007: 2; 2006: 0</p> <p><u>Referred to private counsel:</u> We do not refer to private counsel, we reassign to individuals</p> <p><u>Direct negotiation w/out litigation:</u> Wage claims closed: 2010: 374; 2009: 471; 2008: 448; 2007: 548; 2006: 594</p> <p><u>Mediation:</u> We do not perform mediations</p> <p><u>Cases commenced:</u> Small claims cases filed: 2010: 10; 2009: 3; 2008: 19; 2007: 2; 2006: 17</p> <p><u>Civil cases settled:</u> [no response]</p> <p><u>Civil cases taken to trial:</u> [no response]</p> <p><u>Criminal prosecutions/referrals:</u> None</p>
Arizona	<p><u>Dismissed:</u> This information has not been historically tracked and is not available</p> <p><u>Referred to AG:</u> 0</p> <p><u>Referred to private counsel:</u> 0</p> <p><u>Direct negotiation w/out litigation:</u> 100%</p> <p><u>Mediation:</u> unknown</p> <p><u>Civil cases settled:</u> N/A</p> <p><u>Civil cases taken to trial:</u> N/A</p> <p><u>Criminal prosecutions/referrals:</u> none</p>

Table 8. Complaint/Case Resolutions by Type	
Arkansas	<p><u>Dismissed:</u> [no response]</p> <p><u>Referred to AG:</u> None</p> <p><u>Referred to private counsel:</u> None</p> <p><u>Direct negotiation w/out litigation:</u> [no response]</p> <p><u>Mediation:</u> [no response]</p> <p><u>Cases commenced:</u> [no response]</p> <p><u>Civil cases settled:</u> [no response]</p> <p><u>Civil cases taken to trial:</u> [no response]</p> <p><u>Criminal prosecutions/referrals:</u> None/N/A</p>
California	<p><u>Dismissed:</u> Approximately 1/3 of wage claims are dismissed due to failure to appear by the claimant or failure to provide a prima facie case of wage and hour violations.</p> <p><u>Referred to AG:</u> Only criminal cases are referred to the Attorney General's and/or to District Attorney's offices. All civil cases are either handled by our administrative processes or Labor Code Section 98.3 lawsuits are filed by DLSE attorneys.</p> <p><u>Referred to private counsel:</u> None- DLSE does not refer claims/complaints to private industry. DLSE does not capture data for individuals wishing to file in a different venue.</p> <p><u>Direct negotiation w/out litigation:</u> Unknown</p> <p><u>Mediation:</u> Historically, approximately 2/3 of all wage claims are resolved at the pre-hearing settlement conference levels.</p> <p><u>Cases commenced:</u> [no response]</p> <p><u>Civil cases settled:</u> DLSE does file impact litigation and a summary of impact litigation may be found in our DLSE legislative reports found on our website in question 5.</p> <p><u>Civil cases taken to trial:</u> [DLSE does file impact litigation and a summary of impact litigation may be found in our DLSE legislative reports found on our website in question 5.</p> <p><u>Criminal prosecutions/referrals:</u> 2006: 192 Criminal Referrals; 2007: 203 Criminal Referrals; 2008: 122 Criminal Referrals; 2009: 228 Criminal Referrals</p>

Table 8. Complaint/Case Resolutions by Type	
Connecticut	<p>Cases resolved (Paid): 7/1/10-10/26/10: 471; FY09-10: 1764; FY08-09: 2027; FY 07-08: 2245; FY06-07: 2370</p> <p><u>Dismissed</u>: 7/1/10-10/26/10: 480; FY09-10: 1791; FY08-09: 1870; FY07-08: 1924; FY06-07: 1831</p> <p><u>Referred to AG</u>: 7/1/10-10/26/10: 22; FY09-10: 20; FY08-09: 21; FY07-08: 19; FY06-07: 25</p> <p><u>Referred to private counsel</u>: none</p> <p><u>Direct negotiation w/out litigation</u>: All cases that did not result in a civil or criminal remedy</p> <p><u>Mediation</u>: All cases that did not result in a civil or criminal remedy</p> <p><u>Cases commenced</u>: [no response]</p> <p><u>Civil cases settled</u>: 7/1/10-10/26/10: 2; FY09-10: 6; FY 08-09: 6; FY07-08: 13; FY06-07: 7</p> <p><u>Civil cases taken to trial</u>: [no response]</p> <p><u>Criminal prosecutions/referrals</u>: Referrals for arrests: 7/1/10-10/26/10: 24; FY09-10: 56; FY08-09: 61; FY07-08: 55; FY06-07: 47</p>
District of Columbia	<p>Statistics are not kept in the Office of Wage-Hour in a manner to provide any of this information.</p>
Hawaii	<p><u>Dismissed</u>: About 42% had no monetary findings.</p> <p><u>Referred to AG</u>: [no response]</p> <p><u>Referred to private counsel</u>: None</p> <p><u>Direct negotiation w/out litigation</u>: 95%</p> <p><u>Mediation</u>: 2%</p> <p><u>Civil cases commenced</u>:</p> <p><u>Civil cases settled</u>: not recorded</p> <p><u>Civil cases taken to trial</u>: 0-2</p> <p><u>Criminal prosecutions/referrals</u>: 0</p>

Table 8. Complaint/Case Resolutions by Type	
Idaho	<p><u>Total resolved:</u> All were resolved</p> <p><u>Dismissed:</u> Not applicable</p> <p><u>Referred to AG:</u> Not applicable</p> <p><u>Referred to private counsel:</u> None</p> <p><u>Direct negotiation w/out litigation:</u> All</p> <p><u>Mediation:</u> All</p> <p><u>Civil cases commenced:</u> [no response]</p> <p><u>Civil cases settled:</u> We do not track civil cases/Not applicable</p> <p><u>Civil cases taken to trial:</u> We do not track civil cases/Not applicable</p> <p><u>Criminal prosecutions/referrals:</u> We do not track criminal cases/Not applicable</p>
Illinois	<p><u>Total resolved:</u> Every claim has a resolution</p> <p><u>Dismissed:</u> Approx. 25%</p> <p><u>Referred to AG:</u> About 500-700 each year.</p> <p><u>Referred to private counsel:</u> None</p> <p><u>Direct negotiation w/out litigation:</u> 10%</p> <p><u>Mediation:</u> Do not use mediation</p> <p><u>Civil cases commenced:</u> No class actions, all individual.</p> <p><u>Civil cases settled:</u> Attorney General's Office may keep this.</p> <p><u>Civil cases taken to trial:</u> [No response]</p> <p><u>Criminal prosecutions/referrals:</u> 1 case in 2009 with 42 claimants against a security company.</p>

Table 8. Complaint/Case Resolutions by Type	
Indiana	<p><u>Dismissed</u>: Data not available.</p> <p><u>Referred to AG</u>: none</p> <p><u>Referred to private counsel</u>: Data not available</p> <p><u>Direct negotiation w/out litigation</u>: None</p> <p><u>Mediation</u>: None</p> <p><u>Civil cases commenced</u>: None</p> <p><u>Civil cases settled</u>: None</p> <p><u>Civil cases taken to trial</u>: None</p> <p><u>Criminal prosecutions/referrals</u>: None</p>
Kansas	<u>Resolved</u> : 1502, 1495, 1239, 1224, 1137 [years not provided.] [no other responses provided]
Kentucky	<p>In fiscal year ending June 2010, 2184 case investigations were completed and closed by the Division of Employment Standards, Apprenticeship and Mediation.</p> <p>[no other responses provided]</p>
Maine	<p><u>Dismissed</u>: We don't track this</p> <p><u>Referred to AG</u>: We don't track</p> <p><u>Referred to private counsel</u>: We don't track</p> <p><u>Direct negotiation w/out litigation</u>: We don't track</p> <p><u>Mediation</u>: We don't track</p> <p><u>Civil cases commenced</u>: We don't track</p> <p><u>Civil cases settled</u>: We don't track</p> <p><u>Civil cases taken to trial</u>: None</p> <p><u>Criminal prosecutions/referrals</u>: Our laws are civil, so no criminal</p>

Table 8. Complaint/Case Resolutions by Type	
Maryland	<p><u>Dismissed:</u> An average of 20%</p> <p><u>Referred to AG:</u> An average of 20%</p> <p><u>Referred to private counsel:</u> N/A</p> <p><u>Direct negotiation w/out litigation:</u> An average of 60%</p> <p><u>Mediation:</u> An average of 60%</p> <p><u>Civil cases commenced:</u> N/A</p> <p><u>Civil cases settled:</u> An average of 60% ESS cases</p> <p><u>Civil cases taken to trial:</u> An average of 20% ESS cases</p> <p><u>Criminal prosecutions/referrals:</u> An average of 20% ESS cases</p>
Massachusetts	Our previous case management system did not have the capacity to keep this sort of information. We hope to be able to track this information moving forward with our new system.
Michigan	Figures not determined in this area

Table 8. Complaint/Case Resolutions by Type	
Minnesota	<p><u>Dismissed:</u> <i>(out of business, or claim has no merit)</i></p> <p>2010: 126 2009: 85 2008: 65 2007: 27 2006: 21</p> <p><u>Referred to AG:</u> <i>(close code 6):</i></p> <p>2010: 1 2009: 0 2008: 0 2007: 0 2006: 3</p> <p><u>Referred to private counsel:</u> No formal referrals are made by the unit, however all complainants are advise of their right to private counsel.</p> <p><u>Direct negotiation w/out litigation:</u> 2006 – 2010: Unknown</p> <p><u>Mediation:</u> 2006 – 2010: Unknown</p> <p><u>Civil cases commenced:</u> 2010: 470 2009: 545 2008: 539 2007: 414 2006: 311</p> <p><u>Civil cases settled:</u> 2006 – 2010: Unknown</p> <p><u>Civil cases taken to trial:</u> 2006 – 2010: Unknown</p> <p><u>Criminal prosecutions/referrals:</u> 2006 – 2010: Unknown</p>

Table 8. Complaint/Case Resolutions by Type	
Missouri	<p><u>Dismissed</u>: Some complaints files are closed with violations found and some with no violation found</p> <p><u>Referred to AG</u>: Prevailing Wage (PW): 31. PW statute change in 2007; if contractor provides back wages determined due the DOLIR is precluded from pursuing assessed penalties.</p> <p><u>Referred to private counsel</u>: N/A</p> <p><u>Direct negotiation w/out litigation</u>: As stated above Missouri does not have a wage collection law.</p> <p><u>Mediation</u>: N/A</p> <p><u>Civil cases commenced</u>: N/A</p> <p><u>Civil cases settled</u>: [no response]</p> <p><u>Civil cases taken to trial</u>: N/A</p> <p><u>Criminal prosecutions/referrals</u>: PW cases referred for possible action: FY 07=2, FY 08=0, FY09=3, FY10=12</p>
Montana	<p><u>Total Resolved</u>: FY09-10: 469; FY08-09: 535; FY07-08: 513; FY06-07: 490; FY05-06: 576</p> <p><u>Dismissed</u>: Incorporated in our closure numbers, we do not separate out.</p> <p><u>Referred to AG</u>: None</p> <p><u>Referred to private counsel</u>: None</p> <p><u>Direct negotiations w/out litigation</u>: FY09-10=444; FY08-09=525; FY07-08=493; FY06-07=477; FY0506=519</p> <p><u>Mediation</u>: FY 09-10 =48; FY 08-09 = 31; FY 07-08 = 39; FY 06-07 = 48; FY 05-06 = 62</p> <p><u>Civil cases commenced</u>: [no response]</p> <p><u>Civil cases settled</u>: Unobtainable</p> <p><u>Civil cases taken to trial</u>: Unobtainable</p> <p><u>Criminal prosecutions/referrals</u>: Unobtainable</p>

Table 8. Complaint/Case Resolutions by Type	
Nebraska	<p><u>Dismissed:</u> Approximately 50</p> <p><u>Referred to AG:</u></p> <p><u>Referred to private counsel:</u> Approximately 75</p> <p><u>Direct negotiations w/out litigation::</u> 80%</p> <p><u>Mediation:</u> 10%</p> <p><u>Civil cases commenced:</u> 0</p> <p><u>Civil cases settled:</u> 0. These are not initiated by our office.</p> <p><u>Civil cases taken to trial:</u> 0</p> <p><u>Criminal prosecutions/referrals:</u> We have not had a criminal prosecution in the past 5 years.</p>
New Hampshire	<p><u>Dismissed:</u> A low percentage</p> <p><u>Referred to AG:</u> A low percentage</p> <p><u>Referred to private counsel:</u> 0</p> <p><u>Direct negotiations w/out litigation::</u> A high percentage</p> <p><u>Mediation:</u> A low percentage</p> <p><u>Civil cases commenced:</u> [no response]</p> <p><u>Civil cases settled:</u> A high percentage</p> <p><u>Civil cases taken to trial:</u> A low percentage</p> <p><u>Criminal prosecutions/referrals:</u> 0</p>

Table 8. Complaint/Case Resolutions by Type	
New York	<p><u>Dismissed:</u> Data not available</p> <p><u>Referred to AG:</u> In 2009: Labor Standards: 1; Prevailing Wage: 0. We do not generally refer cases to the Attorney General for investigation.</p> <p><u>Referred to private counsel:</u> None</p> <p><u>Direct negotiations w/out litigation:</u> Data not available</p> <p><u>Mediation:</u> None</p> <p><u>Civil cases commenced:</u> If by “commencing cases” is meant “taken to civil court” by the NYSDOL, the answer is none. However, the data below on numbers of appeals filed by employers requiring administrative hearings to be held (by the Industrial Board of Appeals in Labor Standards cases and by the Administrative Adjudication Unit of the DOL in Public Work cases) may be of interest:</p> <p><i>Labor Standards Orders Appealed:</i> 2009: 69; 2008: 85; 2007: 64; 2006: 88; 2005: 72 <i>Public Work:</i> 2009: 36; 2008: 64; 2007: 134; 2006: 130; 2005: 67</p> <p><u>Civil cases settled:</u> Data not available</p> <p><u>Civil cases taken to trial:</u> None</p> <p><u>Criminal prosecutions/referrals:</u> A few</p>
North Carolina	[no responses provided]

Table 8. Complaint/Case Resolutions by Type	
North Dakota	<u>Dismissed:</u> 7/1/05 – 6/30/07: 43 7/1/07 – 6/30/09: 52
	<u>Referred to AG:</u> 7/1/05 – 6/30/07: 194 7/1/07 – 6/30/09: 145
	<u>Referred to private counsel:</u> None
	<u>Direct negotiations w/out litigation:</u> 7/1/05 – 6/30/07: 231 7/1/07 – 6/30/09: 324
	<u>Mediation:</u> None
	<u>Civil cases commenced:</u> [no response]
	<u>Civil cases settled:</u> AG's office
	<u>Civil cases taken to trial:</u> AG's office
	<u>Criminal prosecutions/referrals:</u> 0

Table 8. Complaint/Case Resolutions by Type	
Ohio	<p><u>Resolutions:</u></p> <p>FY 2009: MW Investigations Completed: 1028; PW Investigations Completed: 435</p> <p>FY 2008: MW Investigations Completed: 1001; PW Investigations Completed: 398</p> <p>FY 2007: PW Determinations: 408; PW Collections: 2010; MW Determinations: 114; MW Collections: 517; Penalty Fund Collections 200</p> <p>FY 2006: PW Determinations: 649; PW Collections: 1461; MW Determinations: 191; MW Collections: 309; Penalty Fund Collections: 165</p> <p>FY 2005: PW Determinations: 457; PW Collections: 1289; MW Determinations: 216; MW Collections: 414; Penalty Fund Collections: 158</p> <p><u>Dismissed:</u> Information not tracked</p> <p><u>Referred to AG:</u> [See Civil Cases Commenced]</p> <p><u>Referred to private counsel:</u> We don't track</p> <p><u>Direct negotiation w/out litigation:</u> We don't track</p> <p><u>Mediation:</u> None</p> <p><u>Civil cases commenced:</u> All individual claims.</p> <p><u>CASES OPENED:</u> 2010: Total - 308 (240 - MW, 66 - PW, 2 - subpoena enforcement) 2009: Total - 264 (222 - MW, 38 -PW, 1 - PW compliance, 3- subpoena enforcement) 2008: Total - 223 (172 - MW, 22 - MW records compliance, 26 - PW, 2- PW records compliance, 1 - subpoena enforcement) 2007: Total - 117 (85 - MW, 9 - MW record compliance, 20 PW, 1 - PW records compliance, 2 - Subpoena enforcement) 2006: 54 2005: 15</p> <p><u>CASES FILED:</u> 2010: 19 PW Collection Actions, 188 MW Collection Actions, 4 MW Subpoena Enforcement Actions 2009: 16 PW Collection Actions, 111 MW Collection Actions. 5 MW Subpoena Enforcement Actions</p> <p><u>Civil cases settled:</u> [no response]</p> <p><u>Civil cases taken to trial:</u> Information not tracked.</p> <p><u>Criminal prosecutions/referrals:</u> 2010: One</p>

Table 8. Complaint/Case Resolutions by Type	
Oregon	<p><u>Dismissed</u>: Not sure what you mean by “dismissed,” but information about resolution type is not readily available.</p> <p><u>Referred to AG</u>: Only 5 wage claims were referred to the Attorney General’s Office (Department of Justice) in the 2007-2009 biennium; 22 claims were referred the first 16 months of the 2009-2011 biennium).</p> <p><u>Referred to private counsel</u>: None. The agency does not refer claims to private counsel.</p> <p><u>Direct negotiation w/out litigation</u>: Unknown</p> <p><u>Mediation</u>: The agency does not typically use mediation.</p> <p><u>Civil cases commenced</u>: [no response]</p> <p><u>Civil cases settled</u>: Not clear what you mean by “civil” cases</p> <p><u>Civil cases taken to trial</u>: Data not available, but most cases settled short of going to court trial.</p> <p><u>Criminal prosecutions/referrals</u>: Unknown. Very few</p>
Pennsylvania	<p><u>Total Resolved</u>: 34,630 resolved [years not specified]</p> <p><u>Dismissed</u>: 20,722</p> <p><u>Referred to AG</u>: Debarments are sent to the Attorney General</p> <p><u>Referred to private counsel</u>: Unknown</p> <p><u>Direct negotiation w/out litigation</u>: Roughly 90% of cases in which workers are owed wages are done without court action</p> <p><u>Mediation</u>: N/A</p> <p><u>Civil cases commenced</u>: [no response]</p> <p><u>Civil cases settled</u>: [no response]</p> <p><u>Civil cases taken to trial</u>: [no response]</p> <p><u>Criminal prosecutions/referrals</u>: [no response]</p>

Table 8. Complaint/Case Resolutions by Type	
Rhode Island	<p><u>Dismissed:</u> N/A</p> <p><u>Referred to AG:</u> 10</p> <p><u>Referred to private counsel:</u> Few</p> <p><u>Direct negotiation w/out litigation:</u> 50%</p> <p><u>Mediation:</u> N/A</p> <p><u>Civil cases commenced:</u> N/A</p> <p><u>Civil cases settled:</u> N/A</p> <p><u>Civil cases taken to trial:</u> Unknown</p> <p><u>Criminal prosecutions/referrals:</u> N/A</p>
South Carolina	<p><u>Total resolved:</u> 90% [each year for the last five years]. About 50% of the cases were resolved without litigation.</p> <p><u>Dismissed:</u> Of the 90% resolved, about ½ were dismissed</p> <p><u>Referred to AG:</u> None</p> <p><u>Referred to private counsel:</u> None</p> <p><u>Direct negotiation w/out litigation:</u> About 50% of the cases</p> <p><u>Mediation:</u> None</p> <p><u>Civil cases commenced:</u> [no response]</p> <p><u>Civil cases settled:</u> N/A</p> <p><u>Civil cases taken to trial:</u> None</p> <p><u>Criminal prosecutions/referrals:</u> None</p>

Table 8. Complaint/Case Resolutions by Type	
South Dakota	<p><u>Dismissed:</u> Approximately 60 each year</p> <p><u>Referred to AG:</u> 0</p> <p><u>Referred to private counsel:</u> 0</p> <p><u>Direct negotiation w/out litigation:</u> Approximately 100 each year</p> <p><u>Mediation:</u> 0</p> <p><u>Civil cases commenced:</u> 0</p> <p><u>Civil cases settled:</u> 0</p> <p><u>Civil cases taken to trial:</u> 0</p> <p><u>Criminal prosecutions/referrals:</u> 0</p>
Tennessee	<p><u>Total resolved:</u> Approximately 500 per year. Some of these cases result in simply getting the complainant their last paycheck.</p> <p><u>Dismissed:</u> We do not technically dismiss a complaint.</p> <p><u>Referred to AG:</u> Average of about 3 per year.</p> <p><u>Referred to private counsel:</u> We do not refer to private counsel. If we are unable to assist them we tell that they may need to seek additional such as the court system, etc.</p> <p><u>Direct negotiation w/out litigation:</u> 100% We negotiate or mediate all complaints. Our Attorney General's office has not taken a wage complaint to court.</p> <p><u>Mediation:</u> Approximately all cases were resolved through mediation or negotiating with the parties.</p> <p><u>Civil cases commenced:</u> [no response]</p> <p><u>Civil cases settled:</u> 0</p> <p><u>Civil cases taken to trial:</u> 0</p> <p><u>Criminal prosecutions/referrals:</u> 0</p>

Table 8. Complaint/Case Resolutions by Type	
Texas	<p><u>Dismissed:</u> FY10: 10,928; FY09: 9,986; FY08: 7,673; FY07: 8,863; FY06: 10,668. Includes wage claims dismissed due to lack of jurisdiction (e.g., bankruptcy, independent contractor, timeliness, arbitration, prevailing wages, and governmental entities)</p> <p><u>Referred to AG:</u> None</p> <p><u>Referred to private counsel:</u> None</p> <p><u>Direct negotiation w/out litigation:</u> None</p> <p><u>Mediation:</u> None</p> <p><u>Civil cases commenced:</u> None</p> <p><u>Civil cases settled:</u> Judicial review (civil) cases closed: FY10: 16; FY09: 32; FY08: 60; FY07: 41; FY06: 65</p> <p><u>Civil cases taken to trial:</u> Judicial review (civil) cases filed: FY10: 19; FY09: 27; FY08: 57; FY07: 40; FY06: 67</p> <p><u>Criminal prosecutions/referrals:</u> None</p>
Utah	<p><u>Dismissed:</u> Number not readily available</p> <p><u>Referred to AG:</u> 0</p> <p><u>Referred to private counsel:</u> 0</p> <p><u>Direct negotiation w/out litigation:</u> Number not tracked by our office</p> <p><u>Mediation:</u> FY 2010: 99; FY 2009: 108; FY 2008: 121; FY 2007: 79; FY 2006: 116</p> <p>Note: These are numbers for the mediation sessions where the parties meet with one of our staff mediators. These numbers do not include the number of cases (info. not readily available) that our investigators manage to get resolved through telephone communications with the parties—what we call phone mediations.</p> <p><u>Civil cases commenced:</u> [no response].</p> <p><u>Civil cases settled:</u> Number not tracked by our office</p> <p><u>Civil cases taken to trial:</u> Number not tracked by our office</p> <p><u>Criminal prosecutions/referrals:</u> 1 in 2009</p>

Table 8. Complaint/Case Resolutions by Type	
Washington	<p><u>Resolved:</u> FY 2009: 4,591 closed wage complaints.</p> <p><u>Referred to AG:</u> [no response]</p> <p><u>Referred to private counsel:</u> N/A</p> <p><u>Direct negotiation w/out litigation:</u> N/A</p> <p><u>Mediation:</u> N/A</p> <p><u>Civil cases commenced:</u> [no response]</p> <p><u>Civil cases settled:</u> [no response]</p> <p><u>Civil cases taken to trial:</u> [no response]</p> <p><u>Criminal prosecutions/referrals:</u> N/A</p>
West Virginia	<p><u>Resolved:</u> FY09-10: 450; FY08-09: 524</p> <p><u>Dismissed:</u> Information not available</p> <p><u>Referred to AG:</u> 12 to 15 per year</p> <p><u>Referred to private counsel:</u> 0</p> <p><u>Direct negotiation w/out litigation:</u> FY09-10: 438; FY08-09: 509</p> <p><u>Mediation:</u> 0</p> <p><u>Civil cases commenced:</u> Information not available</p> <p><u>Civil cases settled:</u> 2</p> <p><u>Civil cases taken to trial:</u> 3</p> <p><u>Criminal prosecutions/referrals:</u> 0</p>

Table 8. Complaint/Case Resolutions by Type	
Wisconsin	<p><u>Dismissed:</u> We do not track this specifically.</p> <p><u>Referred to AG:</u> Approximately 5% are referred for prosecution either to a district attorney or the attorney general.</p> <p><u>Referred to private counsel:</u> None</p> <p><u>Direct negotiation w/out litigation:</u> Approximately 95%</p> <p><u>Mediation:</u> We do not have a formal mediation process</p> <p><u>Civil cases commenced:</u> [Not available] That has been an ongoing issue we have had with the district attorney's offices around the state. When we make a referral to them they often do not let us know how the case has been resolved. Or it if has been resolved.</p> <p><u>Civil cases settled:</u> Do not have that information available to me.</p> <p><u>Civil cases taken to trial:</u> The district attorney's offices do not let us know if they have taken a case to trial.</p> <p><u>Criminal prosecutions/referrals:</u> Some counties will only take criminal prosecution referrals from us. We do not track this specifically, however.</p>

Table 9. Complaint Processing and Response Times			
	Time from receipt of complaint to response	Trends in the timeliness of response	Able to Approximate Timeline at Various Points in Complaint Resolution Process?
Alaska	<u>No. of days to initiate first letter:</u> FY 2010: 6.10 days FY 2009: 5.90 days FY 2008: 6.80 days FY 2007: 5.5 days FY 2006: 4.4 days FY 2005: 7.0 days <u>Average claim resolution time:</u> FY 2010: 4.87 months FY 2009: 5.77 months FY 2008: 3.74 FY 2007: 4.3 months FY 2006: 5.6 months FY 2005: 5.3 months	[see previous column]	[no response]
Arizona	Currently: approx. 49 days	3 years ago; approx. 90 days.	N/A
Arkansas	It does not take long for an investigator to contact an complainant, but it make take some time to complete an investigation, largely depending on the nature and scope of the investigation and the size of the employer.	Complaints in 2006 and earlier were resolved much more quickly because our jurisdiction was largely small employers not covered by the federal FLSA.	<u>Investigation:</u> Generally, 1-3 months, depending on the size of the employer. <u>Administrative hearing:</u> An administrative hearing may be scheduled 6 months out. This is a real “bottleneck” in the process, as the ADL has only a part-time Administrative Law Judge. <u>Commencement of civil litigation:</u> Generally, litigation is commenced within 30-60 days of a final administrative order. Fortunately, most cases are paid or settled prior to the commencement of litigation. <u>Resolution of civil litigation:</u> This varies greatly depending on the court and its docket. In the more urban areas of the state, a trial may be scheduled 6 months out. <u>Criminal enforcement:</u> Penalties are civil in nature. <u>Payment of back wages due:</u> Collection of back wages in many cases is difficult due to lack of assets, bankruptcy, employers disappearing, etc.

Table 9. Complaint Processing and Response Times			
	Time from receipt of complaint to response	Trends in the timeliness of response	Able to Approximate Timeline at Various Points in Complaint Resolution Process?
California	Individual wage claims filed with the Labor Commissioner's offices vary depending whether the cases are resolved at the pre-hearing settlement conference or if the claim is fully adjudicated at an administrative hearing. Approximately 2/3 of the claims are either dismissed for failure to appear at conference/hearings, failure to have a prima facie case or are settled at the settlement conferences. A majority of these claims are resolved in less than 90 days from the date the claim was filed. Approximately 1/3 of the cases need an administrative hearing. The approximate time vary office to office depending on the office size, office resource limitations. ¼ of the offices conduct hearings within 120 days from the date of claim filed. On average, most hearings are conducted approximately 180 days from the date the claim was filed.	[no response]	<u>Investigation:</u> DLSE offices docket and set cases to conferences within 72 hours from receiving wage claims. <u>Administrative hearing:</u> There are 18 DLSE offices statewide and most bottlenecks due to staff resource issues and furloughs. <u>Commencement of civil litigation:</u> Unable to approximate <u>Resolution of civil litigation:</u> Unable to approximate <u>Criminal enforcement:</u> Unable to approximate <u>Payment of back wages due:</u> Unable to approximate
Connecticut	Wage payment or non-payment cases are acknowledged within two weeks and action commences soon thereafter. Some cases are not resolved for a long period of time but most cases are settled within one year.	[no response]	<u>Investigations:</u> This can be lengthy contingent on employer cooperation <u>Administrative hearings:</u> N/A <u>Commencement of civil litigation:</u> One year <u>Resolution of civil litigation:</u> Many years <u>Criminal enforcement:</u> One year with resolution lengthy <u>Payment of back wages due:</u> Depending on amount of wages due
District of Columbia	Timeliness of resolution will depend on extent necessary to process a case. With full cooperation from employers, cases can be resolved in 1-3 months. When cases have to be referred for prosecution in DC Superior Court, it can take 6 months to a year to resolve.	[no response]	[no response]

Table 9. Complaint Processing and Response Times			
	Time from receipt of complaint to response	Trends in the timeliness of response	Able to Approximate Timeline at Various Points in Complaint Resolution Process?
Hawaii	Yes longer now that there are less field investigators. Simple wage claims were resolved in under 30 days, now the average is 45 days.	[no response]	[no response]
Idaho	Our timeliness averages out to be between 20-25 days.	[no response]	Yes we have a monthly tracking device we use to track claims from start to finish.
Illinois	Min wage approx 1 ½ - 2 years. WPC 9 mos – 1 yr, if it goes through legal.	[no response]	Not able to determine work flow process is good when fully staffed.
Indiana	Today wage claim processing time (receipt to resolution) is 33 calendar days average.	In 2007 wage claim processing time (receipt to resolution) was 271 calendar days average.	[no response]
Kansas	[no response]	[no response]	[no response]
Kentucky	Every case is very different depending on the specifics so it is difficult to provide an approximate length of time.	Given the staffing shortages, in general it takes longer to conduct and close an investigation today.	[no response]
Maine	If it involves a final paycheck, minimum wage or overtime, inspectors take information over the phone and attempt to resolve by phone, usually within two to three days. If it involves equal pay, caller is asked to write a letter with specifics. Child labor complaints are handled immediately.	Approximately 5 years ago, we required that every complaint be put in writing, but changed our procedures to better serve the employees who needed their wages quickly.	In most cases, we go from investigation directly to either payment of back wages or referring individual to pursue a civil action, so there is no bottleneck unless the employer does not pay and we must pursue legal action. At that point, the process slows substantially.
Maryland	ESS Claim resolution goal is less than 90 days, but varies with claim complexity.	[no response]	[no response]
Massachusetts	The length of time varies tremendously depending on the type of case and facts of the case. We cannot give an accurate response time estimate.	[no response]	[no response]
Michigan	75% or more resolved within 90 days of filing of claim	[no response]	No

Table 9. Complaint Processing and Response Times			
	Time from receipt of complaint to response	Trends in the timeliness of response	Able to Approximate Timeline at Various Points in Complaint Resolution Process?
Minnesota	[Not determinable.]	[Not determinable.]	<p><u>Investigations:</u> Most investigations are completed within one year of the date a complaint is received.</p> <p><u>Administrative hearings:</u> [no response]</p> <p><u>Commencement of civil litigation:</u> [no response]</p> <p><u>Resolution of civil litigation:</u> [no response]</p> <p><u>Criminal enforcement:</u> [no response]</p> <p><u>Payment of back wages due:</u> Employers are directed to pay all back wages within 15 days of notice of labor law violation. Employers requesting a payment plan are given up to 6 months to pay all back wages owed.</p>
Missouri	N/A	N/A	N/A

Table 9. Complaint Processing and Response Times			
	Time from receipt of complaint to response	Trends in the timeliness of response	Able to Approximate Timeline at Various Points in Complaint Resolution Process?
Montana	We allow 10 days from receipt of complaint to the first response received from the respondent to the claim. However, we do not track the actual days involved in receiving a response, as it is folded into the 55 day timeframe established for the Bureaus Goals and Objectives.	[no response]	<p><u>Investigation:</u> Approximately 1–55 days from receipt of complaint to issuance of a decision by the Bureau. FY09-10 Decisions were issued within 55 days 74% of the time; FY08-09 Decisions were issued within 55 days 71% of the time; FY07-08 Decisions were issued within 55 days 79% of the time.</p> <p><u>Administrative hearing:</u></p> <p><u>FY 2006</u> # Cases Closed: 125 Avg Time to Hearing: 66.6 Avg Time Open in Hearings: 420.6</p> <p><u>FY 2007</u> # Cases Closed: 32 Avg Time to Hearing: 61.5 Avg Time Open in Hearings: 188.5</p> <p><u>FY 2008</u> # Cases Closed: 50 Avg Time to Hearing: 77.4 Avg Time Open in Hearings: 226.2</p> <p><u>FY 2009</u> # Cases Closed: 20 Avg Time to Hearing: 69.5 Avg Time Open in Hearings: 170.2</p> <p><u>FY 2010</u> # Cases Closed: 47 Avg Time to Hearing: 86.4 Avg Time Open in Hearings: 136.4</p> <p>Mandatory mediation is required prior to a hearing, timeframe for mediations averages 1 – 38 days. The following reflects the practice for Administrative Hearings. The goal is to hold them within 90 days of the scheduling conference and to close the case within 180 days of receipt. The considerably linger time in Hearings for FY 06 is a result of a couple of cases that went up to and back down form district court and the Montana Supreme Court. In addition, a significant number of cases are resolved on summary judgment which generally results in a significant decrease in the amount of time a case resides in Hearings.</p> <p><u>Payment of back wages due:</u> Approximately 1-55 days = reference a. above. Approximate number of days unobtainable once claim goes to Administrative Hearing</p>

Table 9. Complaint Processing and Response Times			
	Time from receipt of complaint to response	Trends in the timeliness of response	Able to Approximate Timeline at Various Points in Complaint Resolution Process?
Nebraska	The average time it takes to complete a complaint is 26 days.	[no response]	This does not really apply to us.
New Hampshire	Response times depend on priorities.	Yes	No
New York	<p><u>Labor Standards:</u> On individual wage and supplement claims, first action (an automated collection letter to the employer) is taken within 7 days, an improvement over 5 years ago. On complaints requiring field investigations of entire establishments and confidentiality for the complainant (minimum wage, overtime, tips, and other subjects) first action may be taken anywhere from one day to as long as 1 ½ years or more.</p> <p><u>Public Work:</u> First action is taken within 7 days (a request to the employer for payroll information), an improvement over 5 years ago.</p>	[no response]	<p><u>Investigations:</u> Delays up to 1½ years due to large volume of cases.</p> <p><u>Administrative hearings:</u></p> <p>LABOR STANDARDS: Takes up to one year from filing of appeal to the holding of a hearing by the Industrial Board of Appeals and up to one more year for a decision to be rendered.</p> <p>PUBLIC WORK: Takes over a year from an employer's request for a hearing to the holding of a hearing by the Administrative Adjudication Unit. The hearing can extend over months and last as long as 70 days.</p> <p><u>Commencement of civil litigation:</u> No civil litigation is required.</p> <p><u>Criminal enforcement:</u> Criminal enforcement is available but is only occasionally used.</p> <p><u>Payment of back wages due:</u> Depends on employer.</p>
North Carolina	[no response]	[no response]	[no response]
North Dakota	No	No	No

Table 9. Complaint Processing and Response Times			
	Time from receipt of complaint to response	Trends in the timeliness of response	Able to Approximate Timeline at Various Points in Complaint Resolution Process?
Ohio	Prevailing wage cases took an average 130 days from date the investigator received the case to audit in 2001 to 102 days in 2010. For minimum wage cases, the average length of time was 78 days in 2001 and 55 days in 2010.	LAWS has become more efficient, even with reduced staffing and higher caseloads, it takes less time for complaints to be investigated and determinations to be issued.	<p><u>Investigation</u>: This is a potential source of bottlenecks due to a reduction in staff and in increase in the number of complaints filed.</p> <p><u>Administrative hearing</u>: This is not a problem area since very few cases go to an administrative hearing.</p> <p><u>Commencement of civil litigation</u>: This is an area of bottleneck because the review and approval procedures at the Ohio Attorney General's Office can take months.</p> <p><u>Resolution of civil litigation</u>: Can take weeks to more than a year depending on negotiations and court dockets.</p> <p><u>Criminal enforcement</u>: Only one case had been filed so not enough data to know if this is a problem.</p> <p><u>Payment of back wages due</u>: Significant bottleneck if employers do not pay immediately following determination or litigation and it has to go through collections enforcement. Often establishments file bankruptcy or have no assets to go after.</p>
Oregon	The Wage and Hour Division has established performance goals of sending Notices of Claim letters to employers within 12 days of receiving a claim; assigning a claim for investigation with 30 days; and concluding wage claim investigations within 35 days. Attached are the division's performance measure reports over the last several years.		Not specifically. All of these processes can result in "bottlenecks" under certain circumstances.
Pennsylvania	Cases are typically settled within 4 to 6 weeks, there are a small percentage that remain open due to payment plans, or due to court action or employers or claimants not cooperating with investigation	[no response]	
Rhode Island	2 months to 2 years.	No change.	Only slow downs are the result of staffing shortages.

Table 9. Complaint Processing and Response Times			
	Time from receipt of complaint to response	Trends in the timeliness of response	Able to Approximate Timeline at Various Points in Complaint Resolution Process?
South Carolina	10 days	Usually about the same each year	<u>Investigations:</u> Investigator contacts respondent within 10 days <u>Criminal enforcement:</u> N/A <u>Payment of back wages Due:</u> Respondent normally pays back wages right away after investigation.
South Dakota	An average of 45 days;	This has remained the same over the last ten years at least.	<u>Investigations:</u> Starts in an average of 2 days, is completed in an average of 45 days. <u>Payment of back wages due:</u> 30-45 days
Tennessee	Our goal is to complete a complaint within 60 days.	[no response]	[no response]
Texas	Average Days to work a complaint: FY10=107 FY09=171 FY08=113 FY07=60 FY06=70	[no response]	Investigation Only
Utah	Resolution of a claim can take anywhere from 1 month to a year, approximately, depending the circumstances. Resolution can take longer if the claim goes to collections. Right now, the average number of days a claim is open is approximately 365 days (one year). of days a claim is open has increased as the number of cases filed has increased.	Over the last five years the average number of days a claim is open has increased as the number of cases filed has increased.	<u>Investigation:</u> Yes. <u>Administrative hearing:</u> Yes. <u>Commencement of Civil Litigation:</u> No. <u>Resolution of Civil Litigation:</u> No. <u>Criminal Enforcement:</u> No. <u>Payment of back wages due:</u> No.
Vermont	10-12 days.	About the same over time.	[Not able to approximate]
Washington	Yes		<u>Investigations:</u> 60 days [All others]: Unable to determine. This depends on several extenuating circumstances affecting each case independently.
West Virginia	6 to 8 months	[no response]	Yes. Investigations.

Table 9. Complaint Processing and Response Times			
	Time from receipt of complaint to response	Trends in the timeliness of response	Able to Approximate Timeline at Various Points in Complaint Resolution Process?
Wisconsin	We send out a contact letter to the employer within two weeks of receiving the complaint.	It takes us much longer to process complaints since we used to have 2 administrative staff and now have none.	<u>Investigations:</u> This is taking longer with an almost reduction in half of the investigators. <u>Administrative Hearings:</u> This is an informal process but is also taking much longer. <u>Payment of Back Wages Due:</u> As a result of the all of the delays during the investigation this is taking longer.

Table 10. Enforcement Results: Wages Recovered, Fines Issued, Uncollected Wages/Fines/Penalties			
	Amount Recovered in Wages Owed	Civil Fines Issued / Criminal Prosecutions / Criminal Penalties	Amount of fines/wages/penalties going uncollected
Alaska	2010: \$290,634.56 2009: \$408,849.64 2008: \$326,988.87 2007: \$493,023.82 2006: \$301,978.53 2005: \$394,084.42	<u>Penalties:</u> 2010: \$8,854.27 2009: \$1,185.51 2008: \$4,846.59 2007: \$18,85.11 2006: \$30,315.75 <u>Prevailing Wage Deficiencies:</u> 2010: \$251,353.24 2009: \$272,820.68 2008: \$618,267.35 2007: \$271,623.52 2006: \$201,072.61	Total Collected (all wages, fees, penalties, damages, etc.): 2010: \$3,939,563.14 2009: \$3,501,826.78 2008: \$3,256,770.14 2007: \$2,786,588.33 2006: \$1,803,718.98.
Arizona	Not available	<u>Civil fines:</u> 0 <u>Referrals for criminal prosecution:</u> 0 <u>Criminal convictions/penalties:</u> 0	N/A

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Arkansas	<p>Below are the statistics as we keep them. If an individual question is not answered, then we do not collect the data you are requesting, or it is not in a database. I have not attempted to compile data not contained in a database.*</p> <p><u>Wage and Hour</u> (minimum wage, overtime, prevailing wage), back wages collected</p> <p>FY 2010: \$337,453.67 FY 2009: \$414,364.06 FY 2008: \$190,564.29 FY 2007: \$158,877.09 FY 2006: \$73,307.25</p> <p><u>Wage Claims</u> (individual employee claims, mostly last paychecks), amount collected</p> <p>FY 2010: \$53,702.26 FY 2009: \$54,279.40 FY 2008: \$62,761.91 FY 2007: \$58,286.65 FY2006: \$54,700.38</p> <p>*On October 1, 2006, coverage under the Arkansas Minimum Wage Act, Ark. Code Ann. § 11-4-201 <i>et seq.</i>, greatly expanded to cover most Arkansas employers. <i>See</i> 2006 Ark. Acts 15 (1st Ex. Sess.).</p>	<p><u>Civil Fines</u>: Civil money penalties collected:</p> <p>FY 2010: \$64,070.09 FY 2009: \$76,525.00 FY 2008: \$82,748.84 FY 2007: \$62,724.29 FY 2006: \$80,706.39</p> <p><u>Referrals for criminal prosecution</u>: [no response]</p> <p><u>Criminal convictions/penalties</u>: [no response]</p>	[no response]

Table 10. Enforcement Results: Wages Recovered, Fines Issued, Uncollected Wages/Fines/Penalties			
	Amount Recovered in Wages Owed	Civil Fines Issued / Criminal Prosecutions / Criminal Penalties	Amount of fines/wages/penalties going uncollected
California	<u>2009</u> Wages Collected: \$42,001,340 Min. Wage: \$926,252 Overtime: \$5,759,976 <u>2008</u> Wages Collected: \$39,085,915 Min. Wage: \$508,056 Overtime: \$4,947,567 <u>2007</u> Wages Collected; \$45,774,254 Min. Wage: \$524,585 Overtime: \$6,549,514	<u>Civil Fines:</u> Waiting Time Penalties Collected: 2009: \$11,034,062 2008: \$11,376,771 2007: \$13,546,119 <u>Total penalties collected*</u> 2009: \$9,532,624 (including \$839,123 in PW penalties) 2008: \$12,316,946 (inc. \$721,242 in PW penalties) 2007: \$ 9,546,050 (inc. \$951,024 in PW penalties) 2006: \$8,848,481 (inc. \$838,531 in PW penalties) 2005: \$3 082,270 (inc. \$394,870 in PW penalties) * inclusive of all special programs within the Bureau including prevailing wage enforcement through the Public Works Unit, and inclusive of the Economic Employment Enforcement Coalition (EEEC) sweeps in calendar year 2009. Areas include Workers' Compensation, Child Labor, Itemized Statement, Minimum Wage, Overtime Unlicensed Contractor, Car Wash Non-Registration <u>Referrals for criminal prosecution:</u> Criminal referrals are filed with various district attorneys' offices throughout the state as follows: 2006: 192 Criminal Referrals 2007: 203 Criminal Referrals 2008: 122 Criminal Referrals 2009: 228 Criminal Referrals <u>Criminal convictions/penalties:</u> DLSE does not track this data	<u>2009</u> Wages found due: \$90,709,681 Wages collected: \$42,001,340 Penalties assessed: \$30,305,253 Penalties collected: \$9,532,624 <u>2008</u> Wages found due :\$86,565,036 Wages collected: \$39,085,915 Penalties assessed: \$46,295,855 Penalties collected: \$12,316,946 <u>2007</u> Wages found due: \$92,485,810 Wages Collected: \$45,774,254 <u>2006</u> Wages found due: \$15,614,944 Wages collected: \$10,489,986 <u>2005</u> Wages found due: \$22,977,530 Wages collected: \$11,460,301

Table 10. Enforcement Results: Wages Recovered, Fines Issued, Uncollected Wages/Fines/Penalties			
	Amount Recovered in Wages Owed	Civil Fines Issued / Criminal Prosecutions / Criminal Penalties	Amount of fines/wages/penalties going uncollected
Connecticut	7/1/2010-10/26/10: \$1,601,635 FY09-10: \$4,414,392.62 FY08-09: \$4,679,858.21 FY07-08: \$5,578,383.30 FY06-07: \$6,673,801.55	<u>Civil fines: penalties collected</u> 7/1/2010 - present: \$114,550 FY09-10: \$466,891.66 FY08-09: \$699,972.37 FY07-08: \$684,850 FY06-07: \$600,264 <u>Referrals for criminal prosecution: Referral for arrests:</u> 7/1/2010 - present: 24 FY09-10: 56 FY08-09: 61 FY07-08: 55 FY06-07: 47 <u>Criminal convictions/penalties:</u> [no response]	[no response]
District of Columbia	2010: \$532,734 2009: \$496,243 2008: \$506,908 2007: \$767,466 2006: \$904,194	[no response]	[no response]
Hawaii	FY 2010: approx. \$490,000 FY 2009: approx. \$510,000 FY 2008: approx. \$800,000 FY 2007: [not provided] FY 2006: approx. \$240,000	<u>Civil Fines: CH 104, HRS (prevailing wage for public works) penalties:</u> FY 2010: \$21,926 FY 2009: \$1,877 FY 2008: \$68,852 FY 2007: \$92,927 FY 2006: \$6,293 <u>Referrals for criminal prosecution: none</u> <u>Criminal convictions/penalties: none</u>	2010: \$40,000 - \$18,000 wages and \$22,000 in penalties not collected to date 2009: \$74,000 wages, \$71,000 penalties 2008: \$200,000 ½ wages ½ penalties not collected from 1 employer where employees were foreign nationals 2007: Collected all 2006: Collected all

Table 10. Enforcement Results: Wages Recovered, Fines Issued, Uncollected Wages/Fines/Penalties			
	Amount Recovered in Wages Owed	Civil Fines Issued / Criminal Prosecutions / Criminal Penalties	Amount of fines/wages/penalties going uncollected
Idaho	2010 (through 11/12/10): \$686,496.03 2009: \$495,777.90 [no other years provided]	<u>Civil fines:</u> Not separated out once it reaches collections, all monies collected. <u>Referrals for criminal prosecution:</u> None, we do not track this item. If there is a claim that is ever in doubt we will refer the customer to the correct parties that has jurisdiction over the issue. <u>Criminal convictions/penalties:</u> Not applicable	[no response]
Illinois	2010: \$2.7 million 2009: \$ 3.1 million 2008: \$ 3.3 million 2007: \$3 million (est.) 2006: \$3 million (est.)	<u>Civil fines:</u> Do not keep separate statistics. <u>Referrals for criminal prosecution:</u> Just the 1 in 2009 to the Attorney General's Office. <u>Criminal convictions/penalties:</u> Got conviction for 2009 case.	No way to tell.
Indiana	Data not available prior to 2010. In 2010 the wage and hour division recovered approximately \$395,000 in unpaid wages.	<u>Civil fines:</u> None <u>Referrals for criminal prosecution:</u> None <u>Criminal convictions/penalties:</u> None	N/A
Kansas	[No years provided] \$1,231,684 \$1,932,790 \$1,338,618 \$1,005,842 \$2,295,737	[no response]	[no response]

Table 10. Enforcement Results: Wages Recovered, Fines Issued, Uncollected Wages/Fines/Penalties			
	Amount Recovered in Wages Owed	Civil Fines Issued / Criminal Prosecutions / Criminal Penalties	Amount of fines/wages/penalties going uncollected
Kentucky	2010: \$5,763,346.61 (\$1,157,895.22 was prevailing wage) 2009: \$3,428,829.00 2008: \$1,612,458 2007: \$1,786,769 2006: \$3,301,149	<u>Civil fines:</u> 2010: \$155,075 2009: \$233,875 2008: \$122,880 2007: \$142,200 2006: \$111,550 <u>Referrals for criminal prosecution:</u> none <u>Criminal convictions/penalties:</u> None-our statutes carry civil money penalties.	[no response]
Maine	FY 2009-2010 = \$465,704.18 FY 2008-2009 = \$463,577.75 FY 2007-2008 = \$386,762.64 FY 2006-2007 = \$276,696.22 FY 2005-2006 = \$268,527.88 This covers minimum wage, overtime, final wages and vacation pay and illegal deductions from wages.	<u>Civil fines:</u> None <u>Referrals for criminal prosecution:</u> None. Our laws are civil. <u>Criminal convictions/penalties:</u> None	N/A
Maryland	Employment Standards averaged over \$695,000 per year collected in unpaid wages, Prevailing Wage averaged over \$343,500 in restitution.	<u>Civil Fines:</u> N/A <u>Criminal referrals:</u> 0 <u>Criminal convictions/penalties:</u> N/A	ESS: N/A PW: Collected an average of \$213,200 each year for the last 4 years in Liquidated Damages.

Table 10. Enforcement Results: Wages Recovered, Fines Issued, Uncollected Wages/Fines/Penalties			
	Amount Recovered in Wages Owed	Civil Fines Issued / Criminal Prosecutions / Criminal Penalties	Amount of fines/wages/penalties going uncollected
Massachusetts	2010 (Jan – Nov 30): \$4,462,860 2009: \$6,620,061.21 2008: \$3,409,679.49 2007: \$3,314,323.39 2006: \$3,318,694.50	<u>Civil Fines:</u> 2010 (Jan – Nov 30): \$3.362m 2009: \$3.600m 2008: \$367,903.53 2007: \$253,652.31 2006: \$195,234 <u>Referrals for criminal prosecution:</u> Our previous case management system did not have the capacity to keep this sort of information. We hope to be able to track this information moving forward with our new system. (same for questions “iv – v”) <u>Criminal convictions/penalties:</u> [No response]	[No response]
Michigan	Average of over \$2million collected, otherwise no other stats collected. The exact number collected for each year is not tracked or otherwise unavailable.	[no response]	[no response]
Minnesota	2010: \$321,618.88 (labor standards) / \$226,197.20 (prevailing wage) 2009: \$469,668 (labor standards) / \$133,401 (prevailing wage) 2008: \$321,815.45 (labor standards) / \$61,283.55 (prevailing wage) 2007: \$275,889 (\$0 Prevailing wage – prior to DLI having enforcement authority) 2006: \$731,105 (\$0 Prevailing wage – prior to DLI having enforcement authority)	<u>Civil fines:</u> 2010: \$16,500 (labor standards) / \$56,255 (prevailing wage) 2009: \$49,340 (labor standards) / \$0 (prevailing wage) 2008: \$35,300 (labor standards) / \$0 (prevailing wage) 2007: \$24,500 (\$0 Prevailing wage – prior to DLI having enforcement authority) 2006: \$43,468 (\$0 Prevailing wage – prior to DLI having enforcement authority) <u>Referrals for criminal prosecution:</u> None <u>Criminal convictions/penalties:</u> None	

Table 10. Enforcement Results: Wages Recovered, Fines Issued, Uncollected Wages/Fines/Penalties			
	Amount Recovered in Wages Owed	Civil Fines Issued / Criminal Prosecutions / Criminal Penalties	Amount of fines/wages/penalties going uncollected
Missouri	PW=Prevailing Wage; MW=Minimum Wage.* 2010: PW: \$546,930; MW: \$243,093; T: 790,023 2009: PW: \$1,101,340; MW: \$335,269; T: 1,436,609 2008: PW: \$597,702; MW: \$508,320; T: 1,106,022 2007: PW: \$301,193; MW: \$11,426; T: 312,619 *For both PW and MW it is the actual amount provided by employers.	<u>Civil fines:</u> Penalties collected: FY 2010: \$73,400 FY 2009: \$42,240 FY 2008: \$135,110 FY 2007: \$55,070 <u>Referrals for criminal prosecution:</u> Prevailing wage: criminal cases are handled by local Prosecuting Attorneys'. PW cases referred for possible action. FY 2007: 2 FY 2008: 0 FY 2009: 3 FY 2010: 12 <u>Criminal convictions/penalties:</u> Minimum wage: Prosecuting Attorney referrals: we had none in FY's 07, 08 or 09. We referred 21 cases in FY-10.	Prevailing wage: 2010: \$396,384 2009: \$1,078,779 2008: \$170,600 2007: \$22,857
Montana	FY 09-10: \$649,526 FY 08-09: \$607,196 FY 07-08: \$682,910 FY 06-07: \$444,592 FY 05-06: \$817,276 We do not separate out dollars collected for wages as it relates to wage and hour verses prevailing wages. We only separate out the penalty and fine money collected as it relates to prevailing wages and wage and hour.	<u>Civil fines:</u> FY 09-10 =\$68,417 FY 08-09 =\$104,028 FY 07-08 = \$125,106 FY 06-07 =\$78,294 FY 05-06 =\$128,724 <u>Referrals for criminal prosecution:</u> None <u>Criminal convictions/penalties:</u> Unobtainable	FY09-10 <u>Illegal withholdings</u> Claimed: 46,104.46; Collected: 23,606.32 <u>Minimum Wage</u> Claimed: 45,338.51; Collected: 1,181.08 <u>Non Payment of Wages</u> Claimed: 2,480,978.62; Collected: 436,451.58 <u>Overtime</u> Claimed : 533,048.32; Collected: 100,566.04 <u>Prevailing Wage</u> Claimed : 79,582.88; Collected: 79,436.79 <u>Vacation</u> Claimed: 314,746.76; Collected: 101,340.64 Difference = \$2,757,217.10 FY08-09 <u>Illegal Withholdings</u> Claimed: 48,868.75; Collected: 32,537.94 <u>Minimum Wage</u> Claimed: 3,141.54; Collected: 687.42 <u>Non Payment of Wages</u> Claimed: 2,399,209.83; Collected: 385,277.94 <u>Overtime</u>

Table 10. Enforcement Results: Wages Recovered, Fines Issued, Uncollected Wages/Fines/Penalties			
	Amount Recovered in Wages Owed	Civil Fines Issued / Criminal Prosecutions / Criminal Penalties	Amount of fines/wages/penalties going uncollected
Montana (cont.)			Claimed : 577,106.38; Collected: 136,604.13 <u>Prevailing Wage</u> Claimed : 36,021.57; Collected: 135,043.86 <u>Vacation</u> Claimed : 110,209.84; Collected: 64,107.64 Difference = \$2,419,298.98 FY07-08 <u>Illegal Withholdings</u> Claimed: 44,267.32; Collected: 9,562.10 <u>Minimum Wage</u> Claimed: 121,616.92; Collected: 3,475.48 <u>Non Payment of Wages</u> Claimed: 2,455,822.25; Collected: 578,862.67 <u>Overtime</u> Claimed: 448,353.64; Collected: 148,349.03 <u>Prevailing Wage</u> Claimed: 113,581.86; Collected: 87,374.95 <u>Vacation</u> Claimed: 113,581.86; Collected: 60,073.37 Difference = \$2,463,672.40 FY06-07 <u>Illegal Withholdings</u> Claimed: 15,843.33; Collected: 5,469.19 <u>Minimum Wage</u> Claimed: 2,725.05; Collected: 1,099.33 <u>Non Payment of Wages</u> Claimed: 2,373,210.45; Collected: 398,467.17 <u>Overtime</u> Claimed: 431,837.67; Collected: 77,776.00 <u>Prevailing Wage</u> Claimed: 65,315.44; Collected: 36,513.90 <u>Vacation</u> Claimed: 107,175.07; Collected: 35,612.13 Difference = \$2,441,169.30 FY05-06 <u>Illegal Withholdings</u> Claimed: 43,059.69; Collected: 18,943.14 <u>Minimum Wage</u> Claimed: 4,538.17; Collected: 2,028.05 <u>Non Payment of Wages</u> Claimed: 4,274,513.65; Collected: 1,313,158.01 <u>Overtime</u>

Table 10. Enforcement Results: Wages Recovered, Fines Issued, Uncollected Wages/Fines/Penalties			
	Amount Recovered in Wages Owed	Civil Fines Issued / Criminal Prosecutions / Criminal Penalties	Amount of fines/wages/penalties going uncollected
Montana (cont.)			Claimed: 741,098.15; Collected: 121,128.35 <u>Prevailing Wage</u> Claimed: 112,457.14; Collected: 265,671.66 <u>Vacation</u> Claimed: 142,689.54; Collected: 63,766.65 Difference = \$3,533,660.48
Nebraska	2009: \$754,023 2008: \$470,000 2007: \$450,000 2006: \$435,000 2005: \$382,465 Misclassification Law passed in July 2010. No numbers available yet.	<u>Civil Fines</u> : 0. Don't assess penalties. <u>Referrals for Criminal prosecution</u> : None <u>Criminal convictions/penalties</u> : none	We do not assess fines or penalties
New Hampshire	2009: \$5,301,620 2008: \$1,715,938 2007: \$2,110,583 2006: \$2,312,821 2005: \$1,769,769	<u>Civil Fines</u> : 2005: \$2,631,431 [no other years provided] <u>Referrals for Criminal Prosecution</u> : None <u>Criminal convictions/penalties</u> : none	[no response]

Table 10. Enforcement Results: Wages Recovered, Fines Issued, Uncollected Wages/Fines/Penalties			
	Amount Recovered in Wages Owed	Civil Fines Issued / Criminal Prosecutions / Criminal Penalties	Amount of fines/wages/penalties going uncollected
New York	<p><u>Wages & Wage Supplements (plus interest) Disbursed</u></p> <p>LABOR STANDARDS 2009: \$20,270,323 2008: \$19,384,118 2007: \$13,137,843 2006: \$12,245,226 2005: \$10,394,389</p> <p>PUBLIC WORK 2009: \$7,953,865 2008: \$7,144,808 2007: \$10,269,142 2006: \$6,973,573 2005: \$9,442,893</p> <p>Cannot separate out misclassification enforcement. Amounts above do not include amounts recovered by the NYC Comptroller's Office on NYC public work contracts.</p>	<p><u>Civil Fines (collected):</u></p> <p>LABOR STANDARDS 2009: \$905,931 2008: \$574,046 2007: \$562,208 2006: \$475,709 2005: \$437,017</p> <p>PUBLIC WORK 2009: \$764,518 2008: \$822,050 2007: \$792,521 2006: \$445,511 2005: \$638,868</p> <p><u>Referrals for criminal Prosecution:</u> Prosecuting agencies are the NYS Attorney General and District Attorneys. A few referrals are made per year.</p> <p><u>Criminal convictions/penalties:</u> A few. Data on criminal penalties not available.</p>	<p><u>Total wages, wage supplements and civil penalties assessed:</u></p> <p>LABOR STANDARDS 2009: \$45,608,966 2008: \$26,589,033 2007: \$23,939,717 2006: \$16,964,600 2005: \$13,637,494</p> <p>MISCLASSIFICATION 2009: \$2,500,000+* 2008: \$12,000,000+*</p> <p><u>Unrecovered (assessed – disbursed)</u> 2009: \$25,338,643 2008: \$7,204,915 2007: \$10,801,874 2006: \$9,991,027 2005: \$3,243,105</p> <p>*Wages only, not including penalties; exact data not available.</p>

Table 10. Enforcement Results: Wages Recovered, Fines Issued, Uncollected Wages/Fines/Penalties			
	Amount Recovered in Wages Owed	Civil Fines Issued / Criminal Prosecutions / Criminal Penalties	Amount of fines/wages/penalties going uncollected
North Carolina	FY 2010: \$1,931,379 FY 2009: \$869,967 FY 2008: \$897,342 FY 2007: \$1,332,763 FY 2006: \$1,094,906	<u>Civil Fines:</u> FY 2010: \$131,987 FY 2009: \$101,287 FY 2008: \$108,295 FY 2007: \$42,471 FY 2006: \$57,929 <u>Referrals for Criminal Prosecution:</u> None <u>Criminal Convictions/Penalties:</u> None	<u>Wages due</u> FY 10: \$3,767,344 FY 09: \$1,972,462 FY 08: \$1,287,583 FY 07: \$1,514,14 FY 06: \$1,662,937 <u>Wages collected</u> FY 2010: \$1,931,379 FY 2009: \$869,967 FY 2008: \$897,342 FY 2007: \$1,332,763 FY 2006: \$1,094,906 <u>Penalties issued</u> FY 2010: \$131,987 FY 2009: \$101,287 FY 2008: \$108,295 FY 2007: \$42,471 FY 2006: \$57,929 <u>Penalties collected</u> FY 10: \$49,101 FY 09: \$47,358 FY 08: \$65,115 FY 07: \$14,580 FY 06: \$16,590
North Dakota	7/1/05 – 6/30/07: 187,589 7/1/07 – 6/30/09: 550,500	<u>Civil fines:</u> AG's office <u>Referrals for criminal prosecution:</u> No <u>Criminal convictions/penalties:</u> N/A	AG's Office

Table 10. Enforcement Results: Wages Recovered, Fines Issued, Uncollected Wages/Fines/Penalties			
	Amount Recovered in Wages Owed	Civil Fines Issued / Criminal Prosecutions / Criminal Penalties	Amount of fines/wages/penalties going uncollected
Ohio	PW=Prevailing Wage MW=Minimum Wage FY 2009: PW Collections: \$599,252.45 MW Collections: \$581,916.39 FY 2008: PW Collections: \$1,370,022.38 MW Collections: \$543,332.84 FY 2007: PW Collections: \$1,844,358.20 MW Collections: \$242,284.19 FY 2006: PW Collections: \$942,280.96 MW Collections: \$97,025.03 FY 2005: PW Collections: \$754,415.04 MW Collections: \$138,839.04	<u>Civil Fines:</u> Penalty Fund Collections: FY2009: \$278,368.44 FY2008: \$192,948.95 FY 2007: \$139,181.55 FY2006: \$10,473.32 FY2005: \$26,193.55 <u>Referrals for Criminal Prosecution:</u> One referral was made to the Franklin County Prosecutor in Columbus, Ohio. This occurred for the first and, so far, only time in 2010. (The defendants in this case were also indicted on federal charges, but only one was convicted on a minor violation and received a short-term probation sentence) <u>Criminal Convictions/Penalties:</u> The Franklin County Grand Jury indicted three individuals in the above-referenced case in October 2010. All three defendants entered not guilty pleas and the case is still pending.	[no response]

Table 10. Enforcement Results: Wages Recovered, Fines Issued, Uncollected Wages/Fines/Penalties			
	Amount Recovered in Wages Owed	Civil Fines Issued / Criminal Prosecutions / Criminal Penalties	Amount of fines/wages/penalties going uncollected
Oregon	FY 09-10: \$1,613,641 (including \$1,071,207 in PWR wages) FY 08-09: \$1,333,353 (including \$622,399 in PWR wages) FY 07-08: \$1,688,837 (including \$938,269 in PWR wages) FY 06-07: \$1,821,383 (including \$945,586 in PWR wages) FY 05-06: \$2,014,483 (including \$1,084,736 in PWR wages)	<u>Civil Fines:</u> This information is not readily available. <u>Referrals for Criminal prosecution:</u> I am aware of at least one employer who was criminally prosecuted (resulting in a jail sentence) for repeated failure to pay wages, however, we do not maintain statistics regarding criminal referrals. <u>Criminal convictions/penalties:</u> Unknown	See above information for wage collection data. Information regarding penalties assessed/collected is not readily available.
Pennsylvania	There has been \$34.9 million dollars within the past 5 years	<u>Civil fines:</u> Roughly 5 to 10% <u>Referrals for Criminal Prosecution:</u> [no response] <u>Criminal convictions/penalties:</u> [no response]	The collections, besides the 5 to 10% which are penalties added by district justices, are wages that have all been returned to workers in Pennsylvania
Rhode Island	\$100,000 to \$550,000	<u>Civil fines:</u> \$20,000 to \$50,000 <u>Referrals for Criminal Prosecution:</u> None <u>Criminal convictions/penalties:</u> [no response]	Unknown
South Carolina	Average of around \$800,000 per year	<u>Civil fines:</u> Average of around \$130,000 per year <u>Referrals for criminal prosecution:</u> None <u>Criminal convictions/penalties:</u> N/A	Average of about 30% of collected [each year]
South Dakota	2009: \$42,000 2008: \$45,000 2007: \$77,000 2006: \$91,000 2005: \$51,000	<u>Civil Fines:</u> \$0 <u>Referrals for criminal prosecution:</u> None <u>Criminal convictions/penalties:</u> None	No difference

Table 10. Enforcement Results: Wages Recovered, Fines Issued, Uncollected Wages/Fines/Penalties			
	Amount Recovered in Wages Owed	Civil Fines Issued / Criminal Prosecutions / Criminal Penalties	Amount of fines/wages/penalties going uncollected
Tennessee	2009: \$219,465 2008: \$280,168	<p><u>Civil Fines:</u> We only collect a minimum amount of civil fines each year. We use it as a tool to get the wages that are owed to the employee. Our statute does not give us much enforcement power therefore we waive a lot of the penalties if they pay the employee the wages that are owed. If the penalty is punitive we send it to the Attorney General for assistance.</p> <p><u>Referrals for criminal prosecution:</u> None</p> <p><u>Criminal convictions/penalties:</u> We mostly only collect the wages, as previously explained.</p>	We mostly only collect the wages, as previously explained.
Texas	FY10=\$6,598,779 FY09=\$ 4,709,017 FY08=\$4,459,205 FY07=\$5,046,684 FY06=\$5,076,307	<p><u>Civil Fines</u> FY10=\$81,377.73 FY09=\$32,149.47 FY08=\$69,620.32 FY07=\$80,673.26 FY06=\$15,413.47</p> <p><u>Referrals for criminal prosecution:</u> None</p> <p><u>Criminal convictions/penalties:</u> None</p>	<p><u>Penalties Ordered</u> FY10=\$81,377.73 FY09=\$32,149.47 FY08=\$69,620.32 FY07=\$80,673.26 FY06=\$15,413.47</p> <p><u>Penalties Collected</u> FY10=\$18,369 FY09=\$21,233 FY08=\$27,388 FY07=\$21,732 FY06=\$2,209.67</p> <p><u>Wages ordered</u> FY10=\$11,980,673.42 FY09=\$9,025,628.11 FY08=\$7,734,385.15 FY07=\$7,451,867.81 FY06=\$7,444,385.21</p> <p><u>Wages Collected</u> FY10=\$6,598,779 FY09=\$ 4,709,017 FY08=\$4,459,205 FY07=\$5,046,684 FY06=\$5,076,307</p>

Table 10. Enforcement Results: Wages Recovered, Fines Issued, Uncollected Wages/Fines/Penalties			
	Amount Recovered in Wages Owed	Civil Fines Issued / Criminal Prosecutions / Criminal Penalties	Amount of fines/wages/penalties going uncollected
Utah	FY 2010: \$752,900 FY 2009: \$936,086 FY 2008: \$745,740 FY 2007: \$672,312 FY 2006: \$704,327	<u>Civil Fines:</u> We don't issue civil fines. Can assess penalties according to the statute; amount of penalty is determined by the amount of wages found to be owed. Mostly discretionary according to ALJ and manager, although occasionally automatically imposed when there have been two or more valid wage claims against the same employer in the same year. Employer may be given up to 20 days within which to pay wages owed and avoid the penalty. <u>Referrals for Criminal Prosecution:</u> Yes. 1 in 2009. To the Office of the Utah Attorney General. <u>Criminal Convictions/Penalties:</u> 0	Our office does not break out these numbers.
Vermont	2010: \$127,793 (YTD) 2009: \$71,523 2008: \$107,943 2007: \$156,072 2006: \$120,055 2005: \$132,103	<u>Civil Fines:</u> 2007: \$16,891 <u>Referrals for Criminal Prosecution:</u> Yes. 1, to Windham County State's Attorney. [no year provided]. <u>Criminal Convictions/Penalties:</u> None / N/A	Not all cases pursued by employees and not all cases collectable
Washington	<u>Wages collected</u> 2010: \$1,311,033* 2009: \$1,767,073 2008: \$2,016,649 2007: \$2,228,220 *As of Nov. 16, 2010	<u>Civil Fines:</u> Penalties assessed: 2010: \$164,018* 2009: \$427,573 2008: \$272,250 2007: \$66,297 *As of Nov. 16, 2010 <u>Referrals for Criminal Prosecution:</u> N/A <u>Criminal Convictions/Penalties:</u> N/A	[no response]
West Virginia	(Figures are not yet available FY09-10) FY08-09: \$1, 948,297	<u>Civil Fines:</u> 0 <u>Referrals for Criminal Prosecution:</u> None <u>Criminal convictions/penalties:</u> 0	All Wages

Table 10. Enforcement Results: Wages Recovered, Fines Issued, Uncollected Wages/Fines/Penalties			
	Amount Recovered in Wages Owed	Civil Fines Issued / Criminal Prosecutions / Criminal Penalties	Amount of fines/wages/penalties going uncollected
Wisconsin	We have collected slightly over \$6,000,000 for 2008, 2009, and to date in 2010.	<p><u>Civil fines:</u> When we refer a case for prosecution to the district attorney or attorney general we ask that a 100% penalty be assessed as the case goes forward for prosecution. The court is the one who makes the determination to award any penalty wages. If penalty wages are awarded they are given directly to the employee. When we are investigating child labor complaints we have a different penalty system where we assess a penalty equal to twice the minor's rate of pay for each hour worked in violation. Those penalties are assessed to the employer through our investigative determination process (even if the case does not make it to court). Those penalty wages to directly to the minor.</p> <p><u>Referrals for Criminal Prosecution:</u> Criminal referrals are made to district attorney's offices. We do not track how many criminal referrals are made.</p> <p><u>Criminal convictions/penalties:</u> Do not have that information available to me.</p>	[no response]

Table 11. State Agency Responsible for Enforcing Prevailing Wage Standards	
	State Agency Responsible for Enforcement of Prevailing Wage Standards
Alaska	Wage and Hour
Arizona	No State Prevailing Wage statute in Arizona
Arkansas	The Labor Standards Division of the Arkansas Department of Labor
California	DLSE has a Public Works Unit and is a complaint driven unit. In addition, DIR's Division of Apprenticeship Standards enforces prevailing wage issues requiring minimum apprenticeship standards on public works projects. DLSE is in the process of establishing a specialized public works unit, that will monitor projects containing state construction bonds and/or public entities who utilize a design build procurement delivery system within its project. The unit would be responsible for cradle to grave monitoring and enforcement. The California Department of Transportation has been authorized by the Department of Industrial Relations (DIR) to monitor and enforce prevailing wages for their projects. In addition, DIR has approved labor compliance programs for various public entities and private third parties to conduct monitoring and enforcement on certain types of projects.
Connecticut	State Labor Department, Wage and Workplace Standards
District of Columbia	Prevailing wage (government contracts) enforcement for District of Columbia is performed by the US Department of Labor.
Georgia	None identified.
Hawaii	Wage Standards
Idaho	Not Applicable
Illinois	IDOL
Indiana	Indiana Department of Labor, Wage and Hour Division
Kansas	There is no prevailing wage law in Kansas
Kentucky	Kentucky Labor Cabinet, Division of Employment Standards, Apprenticeship and Mediation
Maine	Bureau of Labor Standards, Technical Services Unit (not part of Wage & Hour Division).
Maryland	Maryland Department of Labor Licensing and Regulation, Division of Labor and Industry-Prevailing Wage Unit
Massachusetts	The Office of the Attorney General's Fair Labor Division. The Division of Occupational Safety (DOS) issues the rates for each project and determines which rates apply to which classification. M.G.L. c. 149, s. 26. Prevailing wage rates are set by DOS based upon the rates established in local collective bargaining contracts. DOS also determines whether the prevailing wage applies to a given public works project. http://www.mass.gov/?pageID=cagoterminal&L=4&L0=Home&L1=Workplace+Rights&L2=Public+Construction&L3=Prevailing+Wage&sid=Cago&b=terminalcontent&f=workplace_Prevailing_Wage_Rates&csid=Cago .
Michigan	MI Wage & Hour Division
Minnesota	The Minnesota Department of Labor and Industry's Labor Standards / Prevailing Wage Unit has the responsibility to enforce existing prevailing wage standards. However, under Minnesota Statute 177.44 the Minnesota Department of Transportation has the authority to enforce its own contracts regarding the appropriate payment of prevailing wages on highway projects. This Unit has had enforcement responsibility since 2007.
Missouri	DOLIR/DLS
Montana	Department of Labor and Industry, Labor Standards Bureau

Table 11. State Agency Responsible for Enforcing Prevailing Wage Standards	
	State Agency Responsible for Enforcement of Prevailing Wage Standards
Nebraska	Nebraska Prevailing Wage enforcement is through the U.S. Dept. of Labor.
New Hampshire	No Prevailing wage laws in NH
New York	NYS Department of Labor's Bureau of Public Work has the responsibility for NYS and all subordinate public entities except City of New York. NYC Comptroller's Office enforces prevailing wages on contracts let by City of New York.
North Carolina	USDOL Office of Federal Contract Compliance [not a state agency]
North Dakota	Job Service North Dakota
Ohio	Ohio Department of Commerce, Division on Industrial Compliance and Labor, Bureau of Labor and Worker Safety with the Ohio Attorney General's Labor Relations Section providing litigation representation. Commerce and the Ohio Attorney General's Office currently have an excellent working relationship, with daily interaction and discussion of cases. The two agencies work closely to effectuate the best case outcome.
Oregon	The Oregon Bureau of Labor and Industries
Pennsylvania	Bureau of Labor Law Compliance
Rhode Island	The Prevailing Wage Unit.
South Carolina	Not the state wage and hour office. Federal US Department of Labor enforces prevailing wage standards
South Dakota	South Dakota does not have a prevailing wage law.
Tennessee	Tennessee Department of Labor & Workforce Development, Division of Labor Standards.
Texas	None. Texas Prevailing wage complaints are handled by the Public Body in accordance with the Texas General Arbitration Act.
Utah	No state prevailing wage law.
Vermont	Department of Labor, LMI Division determines prevailing wage, enforcement, for State Government Contracting lies with Department of Buildings & General Services
Washington	Washington State Department of Labor & Industries. PW is a separate section of the agency.
West Virginia	West Virginia Division of Labor, Wage and Hour Section
Wisconsin	Equal Rights Division/Labor Standards Bureau. The prevailing wage section has three investigators and no administrative staff.

Table 12. State Agency Responsible for Enforcement of Misclassification Laws	
	State Agency Responsible for Enforcement of Misclassification Laws
Alaska	For wages it is Wage and Hour, for Unemployment taxes, it would be unemployment, for Work Comp, it is Worker's comp
Arizona	No known misclassification law in Arizona
Arkansas	For wage laws, the Labor Standards Division of the Arkansas Department of Labor. For unemployment taxes, the Arkansas Department of Workforce Services. For workers' compensation purposes, the Arkansas Workers' Compensation Commission. For payroll tax purposes, the Revenue Division of the Arkansas Department of Finance and Administration.
California	DLSE handles all issues involving employee versus independent contractor disputes as it relates to wage and hour law for California. In addition, the Employment Development Department also makes employer determinations for unemployment tax and benefit purposes. Complaints involving classification are typically filed either by individual wage claim basis or found in field investigations with the Bureau of Field Enforcement.
Connecticut	There is a joint enforcement commission task force which is described in various state government websites especially, http://www.ct.gov/dol
District of Columbia	Employee misclassification under wage-hour laws is the responsibility of the Office of Wage-Hour.
Georgia	The Georgia Department of Revenue, the State Board of Workers' Compensation, and the Georgia Department of Labor all have responsibilities to enforce their tax or coverage requirements, which includes discerning between exclusions from "employee" status for the purposes of each law.
Hawaii	DLIR – all divisions address misclassification. WC, Pre-paid Health Care, TDI, UI, HIOSH
Idaho	Our Tax Department
Illinois	IDOL
Indiana	None. Indiana law does not expressly prohibit misclassification.
Kansas	Kansas Department of Labor
Maine	Our Unemployment Tax Division investigates misclassification only for the purpose of assessing the back payment of unemployment taxes when they have determined employer status. We often utilize the expertise of the Tax Division in determining employer status when we are attempting to investigate a wage claim and the employer claims the individual was an independent contractor.
Maryland	Maryland Department of Labor Licensing and Regulation, Division of Labor and Industry-Workplace Fraud Unit
Massachusetts	The Office of the Attorney General's Fair Labor Division. Under the Massachusetts Independent Contractor/Misclassification Law, M.G.L. c. 149, s. 148B, there is a presumption that all workers are employees. The Attorney General has issued an advisory on this topic. http://www.mass.gov/Cago/docs/Workplace/independent_contractor_advisory.pdf . As mentioned above the Joint Taskforce on the Underground Economy and Employee Misclassification is a cross-agency effort to combat employee misclassification.
Michigan	None, pending any legislative passage of bill(s)
Minnesota	The Minnesota Department of Labor and Industry's Labor Standards Unit has responsibility for enforcement of misclassification laws as they relate to minimum wage, overtime and other wage and hour laws under Minnesota Rule 5200.0221, 5200.0330, and 5224.0340. There are additional misclassification regulations administered by the Construction Code and Licensing Division of the Dept of Labor and Industry. Additionally, there are separate standards for unemployment insurance, taxes, and worker's compensation.
Missouri	DOLIR/Division of Employment Security
Montana	Department of Labor

Table 12. State Agency Responsible for Enforcement of Misclassification Laws	
	State Agency Responsible for Enforcement of Misclassification Laws
Nebraska	Department of Labor – Office of Labor Standards
New Hampshire	The NH Labor Department, the NH Employment Security Department, the NH Insurance Department and the NH Revenue Department are on a task force established by the legislature.
New York	The NYS Department of Labor is responsible through its Bureau of Public Work, Division of Labor Standards, Division of Unemployment Insurance, and Office of Special Investigations. Also responsible in part, and participating in a Joint Enforcement Task Force on Employee Misclassification, are the NYS Attorney General’s Office, the NYS Department of Taxation and Finance, the NYS Workers’ Compensation Board, the NYS Workers Compensation Fraud Inspector General, and the New York City Comptroller’s Office.
North Carolina	Both USDOL and NCDOL regarding employee classifications for overtime exemptions (29 CFR Part 541).
North Dakota	ND [not clear what ND stands for]
Ohio	Ohio Department of Commerce Bureau Worker’s Compensation, Ohio Department of Job and Family Services, Taxation, and the Ohio Attorney General’s Office.
Oregon	Both USDOL and NCDOL regarding employee classifications for overtime exemptions (29 CFR Part 541)
Pennsylvania	Unemployment Compensation
Rhode Island	n/a
South Carolina	Not Sure
South Dakota	None. Misclassification is an issue for the unemployment tax office.
Tennessee	Tennessee Department of Labor & Workforce Development, Division of Workers Compensation
Texas	If the question relates to employee vs. independent contractor status, the Texas Workforce Commission is responsible for making determinations of employee vs. independent contractor status for coverage under the Texas Unemployment Compensation Act.
Utah	None. But in deciding wage disputes we often encounter the jurisdictional issue whether there is an employer-employee relationship. Other state agencies, including the Utah Tax Commission probably, deal with the issue of employee misclassification. I am not aware of a Utah employee misclassification law per se that applies across-the-board.
Vermont	Department of Labor, Worker’s Compensation Division, Unemployment Insurance & Wages Division. As a result of recent legislation, there now exists a Memorandum of Understanding between VT Agency of Transportation, Department of Buildings & General Services and the Department of Labor to debar violators from Contracting with State Government
Washington	Washington State Department of Labor & Industries.
West Virginia	Not Available
Wisconsin	Unemployment Insurance Division. This law was just enacted and is going into effect next year.

Table 13. Employee/Employer Education and Outreach						
	Website designed to assist in Wage and Hour enforcement	Outreach to church, employee and advocacy organizations	Sponsor Public Speaking	Telephone Hotline	Require Posting of standards at Workplace	Distribute educational/ public relations material
Alaska	Yes	Employee, employer and advocacy agencies	Yes	No	Yes	Yes
Arizona	Yes	No	Yes	Yes	Yes; Arizona Minimum Wage Act	Yes
Arkansas	Yes; http://www.arkansas.gov/labor/	Yes	We provide speakers at a number of seminars and conferences each year. The Labor Standards Division does not itself sponsor such conferences.	No	Yes	Yes
California	Yes, at www.dir.ca.gov and includes the DLSE, plus other divisions within the Department of Industrial Relations, which includes Division of Workers' Compensation, Division of Occupational Safety and Health, Division of Apprenticeship Standards, Division of Labor Statistics and Research, etc.	Yes, DLSE conducts seminars for a variety of groups both from the employer and employee advocacy groups.	Yes, DLSE periodically puts on public works seminars and continually works with the California Employment Development Department to conduct wage and hour and employment tax law seminars. Individuals may register and information of the seminars are found at our website at http://www.dir.ca.gov/dlse/EDDTrainingFlyer.pdf and the flyer links to the EDD website allowing the public to sign up for the classes throughout the state. An example of what is contained on the DLSE/EDD flyer has been provided on the next page.	Yes, DLSE has hotline numbers to report underground economy issues in the Car Wash Industry. In addition, DLSE has a direct email inbox to address complaint concerns and provides telephone numbers to all 18 offices of the Labor Commissioner.	Yes, work place postings are required, which includes a minimum wage poster, an Industrial Wage Commission Order, pay day notice.	Yes, the DLSE participates in outreach with both employer and employee advocacy groups. In addition, the DLSE conducts in own seminars to the public on a weekly basis throughout the state.
Connecticut	Yes	Yes	Yes	No	Yes	Yes
District of Columbia	The Agency has a website	The Agency provides outreach	Employers/ groups may request presentations	No we do not host hot lines. Our customers are able to speak to Wage-Hour compliance staff between our hours of operation.	Postings are required in the workplace	Mass mailings of posters to employers registered with DC Unemployment tax register

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	Website designed to assist in Wage and Hour enforcement	Outreach to church, employee and advocacy organizations	Sponsor Public Speaking	Telephone Hotline	Require Posting of standards at Workplace	Distribute educational/ public relations material
Georgia	Yes	Yes, but not with respect to wage enforcement	Yes, but not with respect to wage enforcement	Yes	Yes	[no response]
Hawaii	Yes; Hawaii.gov/labor/wsd	Yes, but has not to church so far	Yes	No	Yes	Yes
Idaho	Yes; labor.idaho.gov	Yes to all who ask	Yes	Yes	Yes and we provide the required posters via mail or the customer can print them from our web page	Yes
Illinois	Yes, user friendly for all laws.	Yes, speaking engagements, pamphlets, etc.	Yes.	Yes, for child and day labor. Plus regular line for all employees or employers with questions.	Yes.	Yes.
Indiana	Yes; http://www.in.gov/dol/	Yes	Yes	No	Yes	Yes
Kansas	Yes	Yes	Yes	No	No	[no response]
Kentucky	Yes	Minimal outreach	Today, minimal presentations are conducted due to budget reductions	The Division answers general wage and hour, child labor and prevailing wage questions each day on out general telephone number	Yes	Yes- posters

Table 13. Employee/Employer Education and Outreach						
	Website designed to assist in Wage and Hour enforcement	Outreach to church, employee and advocacy organizations	Sponsor Public Speaking	Telephone Hotline	Require Posting of standards at Workplace	Distribute educational/ public relations material
Maine	Yes— www.maine.gov/lab or/bls/ and then click on “Wage & Hour Division”.	Upon request, but we also have an Outreach Unit which sets up displays and distributes information at state-wide public events	Yes- We have our Safety Works network which offers classes and the Outreach Unit which sets up trainings, etc.	Not specifically for Wage and Hour. We do have a safety hotline and a Worker Misclass Tip Line	Yes	Yes
Maryland	Yes	Yes	Yes	Yes	Yes	Yes
Massachusetts	Yes: http://www.mass.go v/?pageID=cagotopi c&L=2&L0=Home &L1=Workpla ce+Rights&sid=Cag o. There is also a website that focuses child labor laws: www.laborlowdown .com . In addition, the Division has brochures , posters, and a websites that are regularly updated. It also issues advisories, and has a wage and hour hotline.	Yes, the Outreach Coordinator conducts outreach [workshops, seminars, and panel discussions] to many different groups including: employee/employe r groups, community/advoca cy groups, community colleges, youth organizations, unions, business associations, and ethnic organizations.	Yes	Yes, the hotline receives approximately 3,000 calls a month.	Yes, the Massachusetts Wage and Hour Laws poster. Source: http://www.mass.gov/C ago/docs/Workplace/wa gehourposter_2008.pdf	Yes, we have issued a “Guide to Workplace Rights and Responsibilities,” and a “Guide for Working Teens,” and various advisory letters Source: http://www.mass.gov/?p ageID=cagoterminal&L =2&L0=Home&L1=W orkplace+Rights&sid=C ago&b=ter minalcontent&f=workpl ace_workplace_publicat ions&csid=Cago#_Wag e
Michigan	Yes to website	Yes, to outreach	Yes to speakers	No phone hotline	Yes on posting	Yes, brochures

Table 13. Employee/Employer Education and Outreach						
	Website designed to assist in Wage and Hour enforcement	Outreach to church, employee and advocacy organizations	Sponsor Public Speaking	Telephone Hotline	Require Posting of standards at Workplace	Distribute educational/ public relations material
Minnesota	Yes. http://www.dli.mn.gov/main.asp	Yes.	Yes.	Yes. 651-284-5070 or 1-800-DIAL-DLI (342-5354).	Yes. The posting of laws and rules is required to be posted under Minnesota Statute 177.31.	Yes. We have informational brochures on the following topics: i. Minimum Wage ii. Overtime iii. Child Labor iv. Records & Payments v. Prevailing Wage vi. Parental Leave vii. Rest and Meal Break requirements
Missouri	Yes; www.labor.mo.gov	Yes to any organization or group	No	No	Yes	Yes
Montana	Yes	Yes	Yes	No	No	Yes
Nebraska	Yes	No	Occasionally	Yes	Yes	Yes
New Hampshire	[Yes;] www.labor.state.nh.us	We hold workshops regarding NH labor laws upon request and set up workshops for employers annually in all areas of the state hosted by private businesses.	See [Outreach to church, employee and advocacy organizations]	No	[Yes, RSA 275:49, RSA 275-E:7, RSA 276-A:20, and RSA 279:27]	Yes, upon request

Table 13. Employee/Employer Education and Outreach						
	Website designed to assist in Wage and Hour enforcement	Outreach to church, employee and advocacy organizations	Sponsor Public Speaking	Telephone Hotline	Require Posting of standards at Workplace	Distribute educational/ public relations material
New York	Yes	Yes, such outreach is done by our Bureau of Immigrant Workers Rights, Division of Labor Standards, and Bureau of Public Work.	Yes, we speak at events and before outside groups. We also give seminars for employers, typically lasting about 2 hours, on wage and hour compliance. Numbers of such seminars given in the five years 2005-2009 are 94, 94, 88, 87, and 57 respectively.	Yes	Yes	Yes
North Carolina	Yes	Yes	Yes	We maintain a toll-free inquiry and complaint intake line.	Yes	Yes
North Dakota	Yes	Yes	Yes	No	Yes	Yes
Ohio	Yes	Yes	Yes	Yes, through the Ohio Attorney General's Office.	Yes	Yes
Oregon	Yes, both the TA website (referenced above) and the Wage and Hour Division website at http://www.oregon.gov/BOLI/WHD/index.shtml	Some; on a limited basis.	Some; on a limited basis.	I'm not sure what you mean by a "hotline," but BOLI provides technical assistance to both employers and employees by telephone.	Yes	Yes
Pennsylvania	Yes	Yes	Yes; We do conduct seminars when requested	No	Yes	Yes
Rhode Island	Yes	On occasion	We have in the past and still do when invited if we have the staff.	No	Yes	Yes
South Carolina	Yes	When requested by organization.	N/A	No	Yes	Yes
South Dakota	Yes	No	Yes	No	No	Yes
Tennessee	Yes	Yes	Yes	Yes	Yes	Yes

Table 13. Employee/Employer Education and Outreach						
	Website designed to assist in Wage and Hour enforcement	Outreach to church, employee and advocacy organizations	Sponsor Public Speaking	Telephone Hotline	Require Posting of standards at Workplace	Distribute educational/ public relations material
Texas	Yes	Yes	Yes	Yes	Only the Texas Payday Law Poster which informs employees of the employer's scheduled paydays.	Yes
Utah	Yes.	Yes. Monthly outreach to small employers to inform them of their obligations.	Yes. At the request of an organization, a representative from the Wage Claim Unit can accept a speaking engagement.	Yes, but it is referred to as a general intake line.	No.	Yes. Distributed at outreach or speaking events, and may be distributed upon request.
Vermont	Yes- http://labor.vermont.gov/	Outreach is generally to employer organizations, to inform them of their responsibilities	No	Yes, the Wage & Hour line. Though not toll-free	Yes	Yes, if requested or complaint filed.
Washington	Yes	Yes	Yes	Yes	Yes	Yes
West Virginia	Yes, WVDOL.org	Yes, but very limited, upon request	Yes	No	Yes	Yes
Wisconsin	Yes	Yes, although this has been reduced recently.	Yes, in conjunction with other divisions.	No	Yes	Yes

Table 14. Resources for Non-English Speakers		
	Resources Available to Facilitate the Participation of Non-English Speakers in Wage and Hour Enforcement	Language Option On Home Page
Alabama		No
Alaska	None	No
Arizona	Spanish speaking staff available; educational material in Spanish.	No, explicitly states english is official language
Arkansas	The agency lost its only Spanish speaking investigator and has, at present, been unable to replace her. This is a real need that is not being met at present. The agency has been filling the gap in this area through the assistance of state supported institutions of higher education; outside advocacy groups; and paid translators.	No
California	DIR-DLSE is committed to providing interpreters at our administrative hearings and bears the costs of hiring outside interpreters to interpret at the hearings. DLSE forms are available in both Spanish and English. DLSE claims and complaints, which can be filed in our wage claim adjudication and bureau of field enforcement units, are available in Spanish, Chinese, Vietnamese, Korean, and Tagalog.	No
Colorado		Yes
Connecticut	We have our complaint forms in Spanish	Yes
Delaware		Yes, translation link (listed in english)
District of Columbia	Postings are in English and Spanish. Two Spanish speaking compliance specialists on staff.	No
Florida		No state agency that handles wage and hour, however agency handles workers comp not wage an hour
Georgia		No
Hawaii	We have interpreters, dial-up assistance and documents translated into Thai and are working on Tagalog and have a general document in 20 different languages to assist in having individuals ask for help in their native language	No
Idaho	We offer wage claim for in both Spanish and English. Our states guide to Idaho's labor laws is available in Spanish and English. Three of the Five compliance officers speak fluent English and Spanish and we all have access to Language Link which is a phone system we can use to make contact with an interpreter for any and all languages spoken.	No
Illinois	Staff that speaks Spanish/ALJ, Recip./Polish speaking employees who can translate. Employees' parents translates Japanese. USDOL provides helps with translation. There is also a language translation line.	No
Indiana	Bilingual Commissioner of Labor. Bilingual customer service representative. Bilingual safety and health professionals. Educational materials provided in both English and Spanish. We have a language line that provides interpreting for non-English speaking customers. We provide forms in Spanish and English. We have staff interpreters.	No
Iowa		Yes

Table 14. Resources for Non-English Speakers		
	Resources Available to Facilitate the Participation of Non-English Speakers in Wage and Hour Enforcement	Language Option On Home Page
Kansas	Interpreters are provided upon need.	No
Kentucky	The Kentucky Labor Cabinet has a Spanish Outreach Coordinator who communicates with the Spanish speaking community.	Yes
Maine	We offer the Minimum Wage poster in Spanish and Mandarin. We also utilize interpreters when we receive calls from individuals who do not speak English and take interpreters with us to businesses when we must interview employees who do not speak English.	Yes, "Hispanic Services" button in english
Maryland	Bilingual investigators.	No state agency that handles wage and hour
Massachusetts	The Fair Labor Division has a multi-lingual staff. They have the capacity to speak Spanish, Portuguese, and Haitian Creole. Staff also utilizes a "language line" to assist with interpretation of other languages. All of the Guide to Workplace Rights and Responsibilities brochures are available in English, Spanish, Portuguese, Haitian Creole, Vietnamese, Khmer, Chinese, Russian, and Cape Verdean. The wage and hour poster is available in Spanish. Labor Low Down posters are available in Spanish and Portuguese.	No
Michigan	Currently, 1 fully bi-lingual employee and 1 partly conversant in Spanish.	Yes
Minnesota	The Dept of Labor and Industry employs one FTE as a Community Services Liaison. The employee works out of the Labor Standards. The responsibility of this position is to provide agency-wide outreach and education to Community Based Organizations, particularly organizations that provide services to limited and non-English speaking employees. The Dept of Labor and Industry employ numerous bilingual staff that participates in servicing limited or non-English speaking employees. The Labor Standards unit has one full-time investigator who is fluent in Spanish and handles a Spanish hotline for our Unit. The unit also utilizes the AT&T language line for translation for callers who speak a language not represented by Labor and Industry staff. The unit provides basic employment information in Arabic, Bosnian, Cambodian, Hmong, Laotian, Oromo, Russian, Serbian, Somali, Spanish, Tibetan, and Vietnamese. This information includes information on employee rights in the workplace, specifically minimum wage, overtime, breaks, safety and workers' compensation and unemployment.	Yes
Mississippi		No, links to posters in other languages
Missouri	Some info in Spanish.	No
Montana	The Department has a few staff who are bilingual that have assisted with enforcement efforts. If there is knowledge of and the ability to use outside assistance, (i.e. referrals within the community or available interpretation services) individuals are referred to do so. Our materials are only provided in English.	No state agency that handles wage and hour
Nebraska	We have one dedicated staff person that provides outreach, handles wage complaints and addresses all other issues under the Nebraska Non-English Speaking Workers Act/Meatpackers Bill of Rights.	No
New Hampshire	None at this time.	No

Table 14. Resources for Non-English Speakers		
	Resources Available to Facilitate the Participation of Non-English Speakers in Wage and Hour Enforcement	Language Option On Home Page
New York	Many of the job positions in Labor Standards and Public Work are reserved for bi-lingual employees. In addition to those positions, we have hired and promoted additional bi-lingual staff. The NYS Department of Labor also has a 6-person Bureau of Immigrant Workers' Rights to reach out to immigrant communities and facilitate immigrant workers' access to departmental programs and services. We subscribe to Interpretalk, which provides our offices with translators in numerous languages on phone calls. Our website has a translation option. Some of our publications are available in Spanish, Mandarin, and Korean.	Yes, link to languages
North Carolina	We have Spanish-speaking intake and investigative staff to provide assistance.	No
North Dakota	Interpretive services	No
		No
Ohio	Commerce works closely with a liaison from the Ohio Department of Job & Family Services who facilitates interpreting and translating services. He is also a fluent Spanish speaker so he provides direct interpreting and translating services.	No
Oklahoma		No
Oregon	We have bilingual staff and publications, primarily in Spanish. We have resources available in other languages on an on-needed basis.	Yes
Pennsylvania	Written and online complaint forms are in both Spanish and English.	Yes
Rhode Island	We have a Spanish interpreter.	No
South Carolina	Have bilingual speaking Investigators in other offices available to wage and hour.	No
South Dakota	We contract with private services such as Language Line and Lutheran Social Services to obtain translators.	No
Tennessee	We will provide translators if our Department is unable to immediately translate the complaining parties request.	Yes, minimum wage link
Texas	Spanish Language Forms and Spanish Speaking Investigators.	Yes
Utah	Two Spanish-speaking staff members. If they are unavailable, we may use phone-based interpretation service. Some materials are available in Spanish and we are working to make more of our forms and paperwork available in Spanish.	No
Vermont	Would request an interpreter if needed.	No
Washington	We have a language line that provides interpreting for non-English speaking customers. We provide forms in Spanish and English. We have staff interpreters.	No
West Virginia	None	No
Wisconsin	We employ bi-lingual staff.	Yes
Wyoming		Yes

Table 15. State Wage and Hour Laws - Standards				
	Minimum Wage	Overtime	Wage payment	Breaks
Alabama	Alabama does not have its own minimum wage law. It adheres to the federal standard of \$7.25.	Alabama does not have a state overtime law.	Alabama does not have any state laws dictating wage payment.	Employers do not have to give breaks to adult workers under state law, but if an employer provides a break of less than 20 minutes, the break is paid. Meal periods are not required.
Alaska	\$7.75 per hour. Alaska's minimum wage law requires employers to pay at least 50 cents more than the federal minimum wage. AS § 23.10.065(a).	If an employee works over 40 hours in a work week or more than 8 hours in a day, the employer must pay 1.5 times the hourly wage rate at which the employee is employed. AS § 23.10.060(b)	An employer and employee may agree in an initial contract to monthly pay periods. Otherwise, the employee may choose a monthly or semi-monthly pay period. AS § 23.05.140(a).	Employers must provide at least a 30-minute break to minors aged 14-17 who work for 5 or more consecutive hours. Employers do not have to give breaks to adult workers under state law, but if an employer provides a break of less than 20 minutes, the break is paid. Meal periods are not required.
Arizona	As of January 1, 2010, Arizona's minimum wage was \$7.25 per hour. The minimum wage is increased annually on January 1 if the cost of living increases. Ariz. § 23-363-3(b).	Arizona's overtime laws only cover public employees, and require 1.5 times the rate of pay for hours worked above an employee's normal work week. <u>See</u> Ariz. § 23-391-92.	An employer must designate bi-monthly pay periods of not more than 16 days apart. Ariz. § 23-351(a).	Employers do not have to give breaks to adult workers under state law, but if an employer provides a break of less than 20 minutes, the break is paid. Meal periods are not required.
Arkansas	Minimum wage is \$7.25 per hour. The minimum wage allowance for gratuities is no less than \$3.62 per hour, provided that the employee actually received that amount in gratuities, and at least \$2.63 per hour is paid in wages. <u>Id.</u> § 11-4-212(a).	An employee who works over 40 hours in a workweek must receive 1.5 times the minimum wage for overtime. Ark. § 11-4-211(a). Arkansas's overtime law does not apply to agricultural workers, and only applies to those workers covered by the FLSA's overtime provisions. <u>Id.</u> §§ 11-4-211(b), (d).	Corporations employing salespersons, mechanics, laborers, or other servants must pay wages semimonthly. Ark. § 11-4-401(a). Corporations with a gross income of at least \$500,000 that employ salespersons, mechanics, laborers, or other servants must pay management and executive employees who receive over \$25,000 per year in compensation at least once per month. <u>Id.</u> § 11-4-401(c).	Break and meal periods are not required by federal or state law. http://www.arkansas.gov/labor/faqs/index.html . Break periods must be paid. Ark. Reg. 010.14-108(c)(1). Meal periods of over 30 minutes, or of a shorter duration in special circumstances, in which the employee does no work, are unpaid. <u>Id.</u> 010.14-108(c)(2).
California	California's minimum wage is currently \$8.00 per hour for all industries. Cal. Lab. Code § 1182.12, 1197.	An employees is entitled to overtime pay at one and half times his or her regular rate for any work in excess of eight hours in a day or forty hours in a month, and for the first eight hours of work on the seventh day of work in any workweek. Cal. Lab. Code § 510. An employee is entitled to twice the regular wage rate for any work in excess of 12 hours in a single day or for any work in excess of eight hours on the seventh day or work in any workweek. <u>Id.</u> Employees are entitled to at least one day's rest out of every seven. Cal. Lab. Code § 551.	Employers are required to pay employees on at least a semi-monthly basis on regular dates designated beforehand by the employer. Cal. Lab. Code § 204(a); 204b. Exceptions to this rule include employees of temp agencies and executive, administrative, and professional employees of employers, as set forth in Section 13(a)(1) of the Act, who may be paid on a monthly basis. <u>Id.</u> § 204(a); 204c.	An employee who works more than 5 hours in a day must be provided a meal break of at least 30 minutes, although an employee who works no more than six hours may waive the meal period by agreement with the employer. Cal. Lab. Code § 512.

Table 15. State Wage and Hour Laws - Standards				
	Minimum Wage	Overtime	Wage payment	Breaks
Colorado	The Director of the Division of Labor within the Colorado Department of Labor and Employment has the authority to determine the minimum wage. Colo. § 8-6-106. Effective January 1, 2010, Colorado's minimum wage is \$7.25 per hour. 7 CCR 1103-1. The minimum wage for tipped workers is \$4.22, provided that the tips make up the difference. <u>Id.</u> at 7 CCR 1103-1. The minimum wage for the physically disabled and for minors may be 15% below the minimum wage for other workers, except for emancipated minors. <u>Id.</u> §§ 8-6-108.5(1)-(2). There are several exemptions from the minimum wage. <u>Id.</u> at 7 CCR 1103-1(5).	Employees will receive 1.5 times their regular wages for work in excess of 40 hours per workweek, 12 hours per workday, or 12 consecutive hours of work. 7 CCR 1103-1(4). There are several exemptions from overtime. <u>Id.</u> at 7 CCR 1103-1(6).	An employer may pay wages by cash, check, or paycard, or by direct deposit if the employee has agreed. Colo. § 8-4-102(1)-(2). A pay period can be no longer than monthly or every 30 days, whichever is longer. <u>Id.</u> § 8-4-103(1)(a). Payment must be made no later than 10 days following the close of each pay period unless the employer and employee agree on an alternative period. <u>Id.</u>	When scheduled work exceeds 5 consecutive hours, an employee is entitled to an unpaid, 30-minute meal period in which the employee is relieved of all duties. 7 CCR 1103-1(7). When the type of business makes it impractical for an employee to receive an off-duty meal period, the employee must be allowed to eat on the job (and will be paid). <u>Id.</u> Employers shall authorize and permit (compensated, 10-minute) rest periods, which if practical should be in the middle of each 4-hour work period. 7 CCR 1103-1(8).
Connecticut	The minimum wage in Connecticut is \$8.25. Conn. Gen. Stat. § 31-58 (2009). Employers who pay less than the minimum wage are subject to a fines ranging from four hundred to ten thousand dollars and/or imprisoned between three months and five years for each offense, depending on the amount of wages owed to the employee. Conn. Gen Stat. § 31-69(b).	Employers are required to pay employees who work more than 40 hours per week overtime at a rate of 1 ½ time the regular rate of pay. Conn. Gen. Stat. § 31-76c.	Employees are entitled to wage due on a weekly basis, Conn. Gen. Stat. § 31-71b, and upon termination of employment, the employee is entitled to payment on the next regular pay day if the employee quits voluntarily, and on the next business day if the employer terminates employment. Conn. Gen. Stat. § 31-71c.	Under section of the Connecticut code employers are required to provide their employees with a period of at least 30 consecutive minutes if they have worked for 7 ½ consecutive hours. Conn. Gen. Stat. § 31-51ii(a). Some exceptions apply. Conn. Gen. Stat. § 31-51ii(c).
Delaware	Effective July 24, 2009, Delaware's minimum wage was \$7.25 per hour. 19 Del. C. § 902(a). The minimum wage for tipped employees is \$2.23 per hour. <u>Id.</u> § 902(b).	Delaware does not have a state overtime law.	An employee must receive payment at least once per month in cash or check, or by direct deposit upon an employee's written request. 19 Del. C. § 1102(a). An employee must receive all wages within 7 days from the close of the pay period. <u>Id.</u> § 1102(b). If the payday falls on a non-work day, the payment must be made on the preceding workday. <u>Id.</u>	An employee must receive an unpaid meal break of at least 30 consecutive minutes if the employee works 7.5 or more consecutive hours, given after the first 2 hours of work and before the last 2 hours of work. 19 Del. C. § 707(a).
District of Columbia	The District of Columbia's minimum wage is \$8.25. D.C. Code Ann. § 32-1003(a). There are several exclusions from the definition of an "employee" who receives the minimum wage. See <u>id.</u> § 32-1002(2). There are several exceptions to the minimum wage. See <u>id.</u> § 32-1004. Tipped employees can receive \$2.77 per hour in wages if the gratuities received plus \$2.77 equal the minimum wage. <u>Id.</u> § 32-1003(f).	An employee who works over 40 hours per workweek receives 1.5 times the regular rate of pay for each hour worked in excess of 40 hours. D.C. Code Ann. § 32-1003(c).	An employer must pay wages at least 2 times per month, and not more than 10 working days may elapse between the end of the pay period and the payday, unless by contract or custom an employer has paid wages 1 time per month. D.C. Code Ann. § 32-1302. Wages are paid in cash or by check. <u>Id.</u>	Employers do not have to give breaks to adult workers under state law, but if an employer provides a break of less than 20 minutes, the break is paid. Meal periods are not required.

Table 15. State Wage and Hour Laws - Standards				
	Minimum Wage	Overtime	Wage payment	Breaks
Florida	Effective July 24, 2009, Florida's minimum wage was \$7.25 per hour.	Ten hours of work is a legal day's work, and when a person performs manual labor for 10 hours, he will have performed a legal day's work unless a written contract has been signed requiring a lesser or greater number of hours. Fla. Stat. § 448.01(1). Unless a written contract is made, the employee shall be entitled to extra pay for all work performed after his 10 hours' daily labor. <u>Id.</u> § 448.01(2).	Florida does not have any state laws dictating wage payment.	Employers do not have to give breaks to adult workers under state law, but if an employer provides a break of less than 20 minutes, the break is paid. Meal periods are not required.
Georgia	Effective July 24, 2009, Georgia's minimum wage was \$7.25 per hour. <u>See</u> Ga. Stat. § 34-4-3(c). Several types of employees are exempted from the minimum wage. <u>See id.</u> § 34-4-3(b).	Georgia does not have a state overtime law.	Georgia does not have any state laws dictating wage payment.	Employers do not have to give breaks to adult workers under state law, but if an employer provides a break of less than 20 minutes, the break is paid. Meal periods are not required.
Hawaii	Effective January 1, 2007, Hawaii's minimum wage was \$7.25 per hour. Haw. Rev. Stat. § 387-2(3). There are several exclusions to the definition of an "employee" covered by the minimum wage. <u>See id.</u> § 387-1. There are several exceptions to the minimum wage. <u>See id.</u> § 387-9. A tipped employee may receive 25 cents per hour less than the minimum wage if the employee regularly receives over \$20 per month in tips and the combined amount that the employee receives from the employer and in tips is at least 50 cents over the minimum wage. <u>Id.</u> § 387-2.	If an employee works for over 40 hours in a single workweek, the employee must receive 1.5 times the regular rate at which the employee is employed. Haw. Rev. Stat. § 387-3(a). There are several exclusions to Hawaii's overtime provisions. <u>Id.</u> § 387-3(e).	An employer must pay its employees at least 2 times per month on regular paydays. Haw. Rev. Stat. § 388-2(a). An employee may be paid in cash or check. <u>Id.</u> However, a majority of employees in a collective bargaining unit may elect by secret ballot to be paid 1 time per month. <u>Id.</u> An employee's wages are due within 7 days after the end of each pay period. <u>Id.</u> § 388-2(b).	Hawaii law does not require that employees receive meal or rest breaks, except for minors age 14-15. http://hawaii.gov/labor/wsd/Meal%20-%20Rest%20Breaks.pdf . If an employer does provide a meal period, the period is compensable unless the employee is completely relieved of duty for at least 30 minutes. http://hawaii.gov/labor/wsd/Meal%20-%20Rest%20Breaks.pdf . Rest breaks of 5-20 minutes are compensable. <u>Id.</u>
Idaho	Effective July 24, 2009, Idaho's minimum wage was \$7.25 per hour. <u>See</u> Idaho C. § 44-1502(1). The wages paid to a tipped employee are deemed to be decreased by tips actually received. <u>Id.</u> at § 44-1502(2). However, an employer must pay a tipped employee at least \$3.35 per hour. <u>Id.</u> There are some exceptions to the minimum wage. <u>Id.</u> §§ 44-1502(3), 1504-06.	Idaho does not have a state overtime law.	An employer must pay wages at least once per calendar month on regular paydays. Idaho C. § 45-608(1). Payment must be in cash or check, or by direct deposit if authorized by the employee. <u>Id.</u>	Employers do not have to give breaks to adult workers under state law, but if an employer provides a break of less than 20 minutes, the break is paid. Meal periods are not required.
Illinois	As of July 1, 2010, Illinois's minimum wage law was \$8.25 per hour. 820 Ill. Comp. Stat. § 105/4(a)(1). Tip credit may not exceed 40% of the minimum wage. <u>Id.</u> § 105/4(c). There are several exclusions from the definition of an "employee" who receives minimum wage, <u>id.</u> § 105/3(d), and there are several exceptions to the minimum wage, <u>id.</u> §§ 105/4(a)(2)-(e), 105/5-6.	An employee who works over 40 hours per week must be paid 1.5 times the regular rate of pay for overtime. 820 Ill. Comp. Stat. § 105/4a(1). There are several exclusions from overtime compensation. <u>Id.</u> § 105/4a(2)-(4).	Wages must be paid at least semi-monthly. 820 Ill. Comp. Stat. § 115/3. Wages must be paid within 13 days of the end of the pay period. <u>Id.</u> § 115/4. Wages must be paid in cash or by check or direct deposit. <u>Id.</u>	Employers do not have to give breaks to adult workers under state law, but if an employer provides a break of less than 20 minutes, the break is paid. Meal periods are not required.

Table 15. State Wage and Hour Laws - Standards				
	Minimum Wage	Overtime	Wage payment	Breaks
Indiana	Effective July 24, 2009, Indiana’s minimum wage was \$7.25 per hour. Ind. Code § 22-2-2-4(h). Tipped employees can receive a base wage of \$2.13 per hour, as long as the sum of the tips and the base wage equal the minimum wage. <u>Id.</u> §§ 22-2-2-4(c)(1)-(2). There are some exclusions to the definition of an “employee” covered by the minimum wage. <u>See id.</u> §§ 22-2-2-3(a)-(p).	An employee who works over 40 hours per week is entitled to 1.5 times the regular rate of pay for overtime. Ind. Code § 22-2-2-4(k).	Wages must be paid at least semi-monthly, or biweekly if requested by the employee. Ind. Code § 22-2-5-1(a). Wages can be paid in cash or by check, draft, money order, or direct deposit. <u>Id.</u>	An employer is not required to provide a rest or meal break, but minor employees who work 6 or more hours in a shift must be given a break of at least 30 minutes.
Iowa	As of January 1, 2008, Iowa’s state minimum wage is \$7.25 per hour. Iowa Code § 91D.1(1)(a) (2010). The minimum wage applies to every “employee,” as defined by the Federal Fair Labor Standards Act. Iowa Code § 91D.1(1)(b); 29 U.S.C. § 203(3) (defining “employee” for the purposes of the FLSA). For tipped workers, including employees of a restaurant, hotel, motel, or inn who regularly receive more than thirty dollars in tips, the employer may reduce the employee’s base wage by as much as 40% of the minimum wage to as little as \$4.35 per hour, so long as the combined amount of base pay and tips in any given week is equal to or greater than the state minimum wage. Iowa Code § 91D.1(1)(b).	Iowa does not have a state overtime law.	Iowa’s wage payment collection law requires that employers pay all wages due to employees, minus certain lawful deductions – see Iowa Code § 91A.5 – on a regularly schedule payday no less frequently than a monthly basis. Iowa Code § 91A.3(1). An employee and employer may enter into written agreement that departs from these requirements. <u>Id.</u> Wages may be delivered to the employee, by mail, by direct deposit, at the employee’s normal place of employment during normal employment hours or at a place and hour mutually agreed upon by the employer and employee. Iowa Code § 91A.3(3). In the case of a dispute between an employer and employee concerning the amount of wages or expenses due, the employer must pay all wages due. Iowa Code 91A.7.	Iowa has no general law mandating paid breaks for adults, except that employees must be allowed bathroom breaks as needed. http://www.iowaworkforce.org/abor/wagefaqs.pdf [law/regulation?] Regulations may require that certain categories of workers, such as truck drivers and pilots, be permitted or required to take breaks. http://www.iowaworkforce.org/abor/wagefaqs.pdf ; [law/regulation?]
Kansas	Effective July 24, 2009, Kansas’s minimum wage was \$7.25 per hour. Kan. Stat. Ann. § 44-1203(c). There are several exceptions to the definition of an “employee” covered by Kansas’s minimum wage act. <u>Id.</u> § 44-1202(e). Tipped employees may receive a base wage of \$2.13 per hour, as long as the sum of the base wage plus tips equal the minimum wage. <u>Id.</u> §§ 44-1203(b)(1)-(2).	An employee who works over 46 hours per workweek is entitled to 1.5 times the regular rate of pay for overtime. Kan. Stat. Ann. § 44-1204(a). There are several exceptions to Kansas’s overtime law. <u>Id.</u> §§ 44-1204(b)-(d).	Employees must be paid at least once per month. Kan. Stat. Ann. § 44-314(a). Wages can be paid in cash or by check, draft, direct deposit, or payroll card. <u>Id.</u> §§ 44-314(b)(1)-(4).	Employers do not have to give breaks to adult workers under state law, but if an employer provides a break of less than 20 minutes, the break is paid. Meal periods are not required.

Table 15. State Wage and Hour Laws - Standards				
	Minimum Wage	Overtime	Wage payment	Breaks
Kentucky	Effective July 1, 2009, Kentucky’s minimum wage was \$7.25 per hour. Ken. Rev. Stat. § 337.275(1). There are several exclusions from the definition of an “employee” who receives the minimum wage. <u>See id.</u> §§ 337.010(2)(a)(1)-(12). A tipped employee may receive a base rate of \$2.13 per hour if the sum of the tips and the base rate equal or exceed the minimum wage. <u>Id.</u> § 337.275(2).	An employee who works over 40 hours per week is entitled to 1.5 times the regular rate of pay for excess hours worked. Ken. Rev. Stat. § 337.285(1). There are several exceptions to the overtime law. <u>Id.</u> §§ 337.285(2)(a)-(e). If an employee is permitted to work over 40 hours in a workweek, any employee who works 7 consecutive days per workweek receives 1.5 times the regular rate of pay on the seventh day. <u>Id.</u> § 337.050(1).	Wages must be paid semimonthly. Ken. Rev. Stat. § 337.020.	For every 4 hours worked, an employee is entitled to a 10-minute rest period, in addition to the lunch period, without a reduction in salary. Ken. Rev. Stat. § 337.365. Employees must receive a reasonable period for lunch. <u>Id.</u> § 337.355. An employee is not required to take a lunch period less than 3 hours or over 5 hours after his shift commences. <u>Id.</u>
Louisiana	Effective July 24, 2009, Louisiana’s minimum wage was \$7.25 per hour. Louisiana has no state minimum wage law.	Louisiana does not have a state overtime law.	An employer that fails to designate paydays must pay his employees on the first and sixteenth days of the month. La. Rev. Stat. § 23:633(a).	There is no requirement in Louisiana for employers to provide breaks, including lunch breaks, for workers 18 years old or older. If an employer provides a break of less than 20 minutes, the break is paid. Meal periods are not required.
Maine	Effective October 1, 2009, Maine’s minimum wage was \$7.50 per hour. Me. Rev. Stat. Ann. tit. 26, § 664(1). A tipped employee can be paid one-half the minimum wage if the sum of the wages and tips at least equal the minimum wage. <u>Id.</u> § 664(2). There are several exemptions from the definition of an “employee” covered by the minimum wage. <u>See id.</u> §§ 663(3)(A)-(L)(1)-(6).	An employee who works over 40 hours per workweek is entitled to 1.5 times the regular rate of pay for overtime. Me. Rev. Stat. Ann. tit. 26, § 664(3). There are several exemptions from Maine’s overtime provisions. <u>Id.</u> §§ 664(3)(A)-(J). An employer cannot require an employee to work over 80 hours in a 2-week period. <u>Id.</u> § 603(2).	An employer must pay its employees at least every 16 days. Me. Rev. Stat. Ann. tit. 26, § 621-A(1). “Wages” are defined as compensation paid in cash, check, or direct deposit. <u>Id.</u> § 663(5).	An employer must offer a 30-minute rest break after 6 hours worked. Me. Rev. Stat. Ann. tit. 26, § 601.
Maryland	Effective July 29, 2009 Maryland’s minimum wage is \$7.25 per hour. Md. Lab. and Empl. Code Ann. § 3-413. Employers are allowed to pay tipped employees (defined as employees regularly earning more than \$30 per month in tips) not less than \$3.63 per hour. Deficiencies must be supplemented by the employer to bring the employee to the minimum wage level.	Each employer shall pay an overtime wage of at least 1.5 times the usual hourly wage Md. Lab. and Empl. Code Ann. §3-415. An employer shall compute the wage for overtime on the basis of each hour over 40 hours that an employee works during 1 workweek. Md. Lab. and Empl. Code Ann. §3-420	Each employer shall pay each employee at least once in every 2 weeks or twice in each month. Md. Lab. and Empl. Code Ann. § 3-502.	There is no requirement in Maryland for employers to provide breaks, including lunch breaks, for workers 18 years old or older. If an employer provides a break of less than 20 minutes, the break is paid. Meal periods are not required. Md. Dept. of Labor, Licensing and Registration, <i>Breaks, Benefits and Days Off - The Maryland Guide to Wage Payment and Employment Standards</i> , http://www.dlrr.state.md.us/labor/wagepay/wplunchbreaks.shtml .

Table 15. State Wage and Hour Laws - Standards				
	Minimum Wage	Overtime	Wage payment	Breaks
Massachusetts	Under Massachusetts' Minimum Fair Wages Law, is it unlawful to employ any person for an "oppressive and unreasonable wage" as defined by the law. Mass. Gen. Laws Ann. Ch.151, §1. A wage below \$8.00 per hour is presumably oppressive and unreasonable, unless the Commissioner of the Department of Labor has created an express exception to the law. <u>Id.</u> Additionally, the Massachusetts minimum wage must always be at least \$.10 higher than the federal minimum wage. <u>Id.</u> Tipped employees may be paid as little as \$2.63 per hour so long as the combined amount of the base rate and the amount of tips is equal to or exceeds the \$8.00 per hour minimum wage rate. Mass. Regs. Code tit. 455, § 2.02(2)(b). For employees in agriculture or farming, the minimum wage is \$1.60 per hour. Mass. Gen Laws Ann. Ch. 151, § 2A.	Massachusetts overtime law requires that for time worked over forty hours per week, an employee must receive no less than one and half times their regular hourly wage. Mass. Gen. Laws Ann. Ch. 151, §1A. Commissions and other incentive pay are excluded in computing the regular and overtimes rates. <u>Id.</u> The law excludes a number of professions from the overtime requirements. <u>Id.</u>	Wages must be paid weekly or bi-weekly. Employees who work five or six days in a calendar week must be paid within 6 days of the end of the pay period. Employees who work seven days in a calendar week must be paid within 7 days of the end of the pay period. Employees who work fewer than 5 days in a calendar week must be paid within 7 days of the end of the pay period. Mass. Gen. Laws Ann. Ch. 149 § 148.	In Massachusetts, no person shall be required to work for more than six hours during a calendar day without an interval of at least thirty minutes for a meal. Mass. Gen. Law ch. 149, § 100.
Michigan	Effective July 1, 2008, Michigan's minimum wage was \$7.40. Mich. Comp. Laws § 408.384(1)(d). Tipped employees may receive \$2.65 per hour if the sum of the base rate and the tips at least equal the minimum wage. <u>Id.</u> §§ 408.387a(1)(a)-(d).	An employee who works over 40 hours per workweek is entitled to 1.5 times the regular rate of pay for overtime. Mich. Comp. Laws § 408.384a(1).	An employer, except an employer of a crop harvester, shall pay wages on the first and fifteenth days of each calendar month. Mich. Comp. Laws §§ 408.472(1)(a)-(b). An employee can also have a weekly, biweekly, or monthly payday. <u>Id.</u> §§ 408.472(3)-(4). Wages may be paid in cash or by check, or by payroll debit card or direct deposit with the employee's written consent. <u>Id.</u> §§ 408.476(1)(a)-(3).	Michigan does not require employers to provide breaks for employees aged years 18 or older. Meal periods are not required. Michigan Dept. of Energy, Labor and Economic Growth, Frequently Asked Questions, Wage and Hour Division, http://www.michigan.gov/dleg/0,1607.7-154-27673_32352-117201--,00.html .
Minnesota	Effective July 24, 2009, Minnesota's minimum wage was \$7.25 per hour. Tip credit is prohibited in Minnesota. Minn. Stat. § 177.24(3).	An employee who works over 48 hours per workweek is entitled to 1.5 times the regular rate of pay for overtime. Minn. Stat. § 177.25(1). There are several exceptions to Minnesota's overtime provisions. <u>See id.</u> §§ 177.25(2)-(4).	An employer must pay wages at least once every 31 days on a regular payday. Minn. Stat. § 181.101. Provided that certain conditions are met, an employee can be paid by payroll card account. <u>See id.</u> § 177.255	Within 4 consecutive hours of work, an employer must allow its employees adequate time to use the restroom. Minn. Stat. § 177.253(1). If an employee works 8 or more consecutive hours, the employer must provide a sufficient meal break, but payment during the meal break is not required. <u>Id.</u> §§ 177.254(1)-(2).
Mississippi	As of July 24, 2009, Mississippi's minimum wage was \$7.25 per hour. Mississippi has no state minimum wage law.	Mississippi does not have a state overtime law.	Employers engaged in manufacturing with 50 or more employees must pay wages twice monthly. Miss. Code Ann. § 71-1-35	Employers do not have to give breaks to adult workers under state law, but if an employer provides a break of less than 20 minutes, the break is paid. Meal periods are not required.

Table 15. State Wage and Hour Laws - Standards				
	Minimum Wage	Overtime	Wage payment	Breaks
Missouri	As of July 24, 2009, Missouri's minimum wage was \$7.25 per hour. Mo. Rev. Stat. § 290.502(1). An employer may pay a tipped employee 50% of the minimum wage rate, as long as the sum of the employee's wages at least equals \$7.25 per hour. <u>Id.</u> § 290.512(1). There are several exclusions from the definition of an "employee" entitled to the minimum wage. <u>See id.</u> §§ 290.500(3)(a)-(o).	An employee who works over 40 hours per workweek must receive 1.5 times the regular rate of pay for overtime. Mo. Rev. Stat. § 290.505(1).	An employer must pay its employees at least semimonthly, within 16 days of the close of each payroll period. Mo. Rev. Stat. § 290.080. Professional, executive, administrative, and commissioned employees may be paid monthly. <u>Id.</u>	Employers do not have to give breaks to adult workers under state law, but if an employer provides a break of less than 20 minutes, the break is paid. Meal periods are not required.
Montana	As of July 24, 2009, Montana's minimum wage was \$7.25 per hour. Mont. Code § 39-3-409(a). Although Montana law broadly defines "employee" as "an individual employed by an employer," <u>id.</u> § 39-3-402(3), there are at least twenty-four employee exclusions from the minimum wage. <u>Id.</u> § 39-3-406. An employer may not count an employee's tips toward the minimum wage. <u>Id.</u> § 39-3-402(7)(b). The minimum wage rate for a business whose annual gross sales are \$110,000 or less is \$4 per hour. <u>Id.</u> § 39-3-409(3).	If an employee works over 40 hours in a work week, the employer must pay 1.5 times the hourly wage rate at which the employee is employed. Mont. Code § 39-3-405(1). Overtime does not apply to farm workers, and does not apply to student employees of amusement or recreational areas who receive lodging until they have worked over 48 hours in a work week. <u>Id.</u> §§ 39-3-405(2)-(3). Overtime given to firefighters or law enforcement officers by the state of Montana must be consistent with the FLSA and its regulations. <u>Id.</u> § 39-3-405(4).	An employer must pay its employees within 10 business days from the end of the pay period. Mont. Code § 39-3-204(1). "[R]easonable deductions may be made for board, room, and other incidentals supplied by the employer, whenever the deductions are a part of the conditions of employment, or as otherwise provided for by law." <u>Id.</u> Wages may be paid via cash or check, or via electronic funds transfer or direct deposit if the employee has consented in writing. <u>Id.</u> § 39-3-204(2).	An employer is not required to give its employees breaks or meal periods. Montana Department of Labor & Industry, <i>Wage and Hour FAQs</i> , http://erd.dli.mt.gov/labor-standards/wage-and-hour-wage-payment-act/162-wage-and-hour-faq.html . However, if an employer provides a break, the break time is paid. Mont. Reg. 24.16.1006(1). A meal period is paid if it lasts one-half hour or longer and the employee is "completely relieved from duty." <u>Id.</u> § 24.16.1006(2)(a).
Nebraska	As of July 24, 2009, Nebraska's minimum wage was \$7.25 per hour. Neb. Rev. Stat. Ann. § 48-1203(1)(d). There are several exclusions from the definition of an "employee" covered by the minimum wage. <u>Id.</u> §§48-1202(3)(a)-(i). An employer may pay a tipped employee \$2.13 per hour, provided that the sum of the tips and the base rate at least equal the minimum wage. <u>Id.</u> § 48-1203(2).	Nebraska does not have a state overtime law.	An employer must pay employees on regularly designated paydays. Neb. Rev. Stat. Ann. § 48-1230(1).	Nebraska requires employers to provide breaks for employees in assembling plants, mechanical establishments, and workshops. The break must be a 30 consecutive minute lunch period in each shift of at least 8 hours. Neb. Rev. Stat. Ann. §48-212.

Table 15. State Wage and Hour Laws - Standards				
	Minimum Wage	Overtime	Wage payment	Breaks
Nevada	As of July 24, 2009, Nevada's minimum wage was \$7.25 per hour. See Nev. Rev. Stat. Ann. § 608.250(1). There are several exceptions to Nevada's minimum wage. See <i>id.</i> §§ 608.250(2)(a)-608.255(2). It is unlawful to apply a tip credit to an employee's minimum wages. <i>Id.</i> § 608.160(1)(b).	An employer shall pay 1.5 times the regular rate of pay when an employee who receives less than 1.5 times the minimum wage works: (1) over 40 hours per workweek; or (2) over 8 hours per workday unless by mutual agreement the employee works 10 hours per day for 4 calendar days within a workweek. Nev. Rev. Stat. Ann. §§ 608.018(1)(a)-(b). An employer shall pay 1.5 times the regular rate of pay when an employee who receives at least 1.5 times the minimum wage works over 40 hours per workweek. <i>Id.</i> § 608.018(2). There are several exceptions to Nevada's overtime provisions. <i>Id.</i> §§ 608.028(3)(a)-(n).	Employees must be paid at least semimonthly. Nev. Rev. Stat. Ann. §§ 608.060(1)-(2). Payment must be made in cash or check unless the employee has agreed in writing to another method of payment. <i>Id.</i> § 608.120(1).	An employee who works for a continuous 8-hour period must receive at least a 30-minute meal break. Nev. Rev. Stat. Ann. § 608.019(1). An employer shall authorize and permit all employees to take rest periods which, if practicable, shall be in the middle of each work period. <i>Id.</i> § 608.019(2). An employee shall receive a 10-minute rest period for every 4 hours, or major fraction thereof, worked per day. <i>Id.</i> Rest periods are not required for employees who work less than 3.5 hours per day. <i>Id.</i> There is no deduction from wages for rest periods. <i>Id.</i> There are several exceptions to the meal and rest break provisions. <i>Id.</i> §§ 608.019(3)(a)-(b).
New Hampshire	Effective September 1, 2008, New Hampshire's minimum wage was \$7.25 per hour. N.H. Rev. Stat. Ann. § 279:21. Tipped employees may receive a base rate that is at least 45% of the minimum wage. <i>Id.</i> Several types of employees are exempted from the minimum wage rate. <i>Id.</i> §§ 279:21(I)-(V).	Several types of employees who work over 40 hours per workweek must receive 1.5 times the regular rate of pay for overtime. N.H. Rev. Stat. Ann. §§ 279:21(VIII)(a)-(b).	An employer must pay employees on a weekly basis in cash or by check, payroll card, or electronic fund transfer, or by direct deposit with the employee's written consent. N.H. Rev. Stat. Ann. §§ 275:43(I)(a)-(e).	An employer may not require an employee to work more than 5 consecutive hours without granting him a 1/2 hour lunch or eating period, except if it is feasible for the employee to eat during the performance of his work, and the employer permits him to do so. NH Rev. Stat. Ann. §275:30-a.
New Jersey	As of July 24, 2009, New Jersey's minimum wage was \$7.25 per hour. There are several exemptions from the minimum wage. See N.J. Stat. Ann. § 34:11-56a4. Tipped employees may receive less than the minimum wage, provided that the sum of the tips and wages at least equal \$7.25 per hour. See <i>id.</i> § 34:11-56a1(d).	An employee who works over 40 hours in a workweek is entitled to 1.5 times the regular rate of pay for overtime. N.J. Stat. Ann. § 34:11-56a4.	An employer must pay wages at least 2 times per calendar month. N.J. Stat. Ann. § 34:11-4.2. Payment may be in cash or by check, or by direct deposit with the employee's consent. <i>Id.</i> at §§ 34:11-4.2-4.2a.	New Jersey does not require employers to provide breaks for employees aged 18 years or older. Meal periods are not required. New Jersey Department of Labor and Workforce Development, <i>Wage and Hour Compliance FAQs</i> , http://lwd.dol.state.nj.us/labor/wagehour/content/wage_and_hour_compliance_faqs.html#q44 .

Table 15. State Wage and Hour Laws - Standards				
	Minimum Wage	Overtime	Wage payment	Breaks
New Mexico	As of January 1, 2009, New Mexico's minimum wage was \$7.50 per hour. N.M. Stat. Ann. § 50-4-22(A). Tipped employees may receive \$2.13 per hour as a base wage, provided that the sum of the tips and base rate at least equals the minimum wage. <u>Id.</u> § 50-4-22(C). There are several exemptions from the definition of an "employee" who receives the minimum wage. <u>See id.</u> §§ 50-4-21(C)(1)-(14).	An employee who works over 40 hours per week must receive 1.5 times the regular rate of pay for overtime. N.M. Stat. Ann. § 50-4-22(D).	An employer shall pay wages at least every 16 days. N.M. Stat. Ann. § 50-4-2(A). Wages shall be paid in cash, or by payroll vouchers or drafts on banks, or by direct deposit with the employee's authorization. <u>Id.</u> § 50-4-2(B).	Employers do not have to give breaks to adult workers under state law, but if an employer provides a break of less than 30 minutes, the break is paid. Meal periods are not required. New Mexico Department of Workforce Solutions, Wage and Hour, <i>Frequently Asked Questions</i> , http://www.dws.state.nm.us/dws-qlid.html .
New York	New York's basic minimum wage rate is \$7.25 per hour. N.Y. Lab. Law § 652(1). New York State Dept. of Lab., Wages and Hours, http://www.labor.ny.gov/wagesandhours.shtm . Separate rules apply for farm workers and workers who receive tips. <u>Id.</u> The basic wage rate may be, and has been, modified by regulations known as "wage orders" in employment areas such as the building service, restaurant, hotel, farming and non-profit industries. <u>See</u> New York State Dept. of Lab., Minimum Wage, http://www.labor.ny.gov/workerprotection/labostandards/workprot/minwage.shtm . Food service employees who are tipped are entitled to a basic wage of no less than \$4.60, so long as the amount of tips received, when added to the basic wage, amounts to the general minimum wage. N.Y. Lab. Law § 652(4).	Employers in some occupations are restricted in the number of hours that they may require employees to work each day. For example, employees working in brickyards may not be required to work more than 10 hours in a day, N.Y. Lab. Law § 163, nurses may not be required to work more than the hours they are normally scheduled and have agree beforehand to work, N.Y. Lab. Law § 167.	The frequency of payment required of employers varies according to profession. Manual workers must receive pay no later than seven days after the end of the week in which the wages were earned, although certain employers with more than one thousand employees may pay employees as infrequently as semi-monthly. N.Y. Lab. Law § 191(1)(a)(ii). Commission salespersons must be paid no less than once each month and no later than the last day of the month following the month in which the wages were earned. N.Y. Lab. Law § 191(1)(c). An employee who is terminated must be paid all wages owed no later than the regular pay day for the period during which the termination occurred. N.Y. Lab. Law § 191(3).	Employees are entitled to meal breaks of various lengths depending on the profession in which they work. N.Y. Lab. Law § 162.
North Carolina	As of July 24, 2009, North Carolina's minimum wage is \$7.25 per hour. N.C. Code § 95-25.3(a). Although the definition of "employee" includes "any individual employed by an employer," <u>id.</u> § 95-25.2(4), there are several employee exclusions from the minimum wage. <u>Id.</u> §§ 95-23(b)-(f). An employer may count an employee's tips toward the minimum wage up to the maximum allowed by the FLSA (currently a maximum \$5.12 tip credit is allowed). <u>Id.</u> § 95-25.3(f).	If an employee works over 40 hours in a workweek, the employer must pay 1.5 times the hourly wage rate at which the employee is employed. N.C. Code § 95-25.4(a). Employers of seasonable amusement or recreational establishment employees are not required to pay overtime until their employees have worked over 45 hours in a workweek. <u>Id.</u>	A pay period can be daily, weekly, bi-weekly, semi-monthly, or monthly. N.C. Code § 95-25.6. Wages based on bonuses or commissions can be paid annually if prescribed in advance. <u>Id.</u> The employer can pay wages by cash, check, or direct deposit. North Carolina Dept. of Lab., Wage and Hour Bureau, <i>Frequently Asked Questions</i> , http://www.nclabor.com/wh/faqs.pdf .	An employer is not required to give its employees breaks or meal periods. N.C. Dept. of Lab., <i>Breaks: What to Know</i> , http://www.nclabor.com/wh/fact%20sheets/breaks.htm . Breaks less than 30 minutes must be paid. An employer who gives breaks of at least 30 minutes does not have to pay the employee for the break if the employee is completely relieved of duty. <u>Id.</u> However, an employee under age 15 must be given a 30-minute rest break after working for 5 consecutive hours. N.C. Code § 95-25.5(e).

Table 15. State Wage and Hour Laws - Standards				
	Minimum Wage	Overtime	Wage payment	Breaks
North Dakota	Effective July 24, 2009, North Dakota's minimum wage was \$7.25 per hour. N.D. Cent. Code § 34-06-22(1)(c). The Commissioner of the North Dakota Department of Labor may issue a special license to certain employees that authorize their employment at less than the minimum wage. <u>Id.</u> § 34-06-15.	The state or a subdivision can provide for overtime if it complies with the FLSA. N.D. Cent. Code § 34-06-04.1.	An employer must pay wages at least 1 time per month. N.D. Cent. Code § 34-14-02. Wages must be paid in cash or by check or direct deposit, or by a stored value card with the employee's permission. <u>Id.</u>	A minimum thirty-minute meal period must be provided in each shift exceeding five hours when there are two or more employees on duty. Employees may waive their right to a meal period upon agreement with the employer. Employees do not have to be paid for meal periods if they are completely relieved of their duties and the meal period is ordinarily thirty minutes in length. The employee is not completely relieved if required to perform any duties during the meal period. N.D. Admin. Code 46-02-07-02(5)
Ohio	Effective January 1, 2009, Ohio's minimum wage was \$7.30 per hour. Tipped employees can be paid a base rate of \$3.65 per hour, as long as the sum of the base rate and the tips at least equal the minimum wage.	An employee who works over 40 hours per week is entitled to 1.5 times his or her wage for overtime, subject to the exemptions in the FLSA. Ohio Rev. Code Ann. § 4111.03(A).	Wages are to be paid semi-monthly. Ohio Rev. Code Ann. § 4113.15(A).	Ohio does not require breaks for employees over the age of 18. If an employer provides a break of less than 20 minutes, the break is paid. Meal periods are not required.
Oklahoma	Effective July 24, 2009, Oklahoma's minimum wage was \$7.25 per hour. <u>See</u> Okla. Stat. Ann. tit. 40 § 197.2. There are several exemptions from the type of "employee" qualified to receive the minimum wage. <u>See id.</u> §§ 197.4(e)(1)-(12). An employee's gratuities can be used to offset up to 50% of the minimum wage. <u>Id.</u> § 197.16.	Oklahoma does not have a state overtime law.	Wages must be paid at least semimonthly. Okla. Stat. Ann. tit. 40 § 165.2. Wages may be paid by electronic means. <u>Id.</u>	Oklahoma does not require breaks for employees over the age of 16. If an employer provides a break of less than 20 minutes, the break is paid. Meal periods are not required.
Oregon	Effective January 1, 2009, Oregon's minimum wage was \$8.40. There are several exceptions to the minimum wage. <u>See id.</u> § 653.020.	An employee who works over 40 hours per workweek is entitled to 1.5 the regular rate of pay for overtime. Or. Admin. R. § 839-020-0030(1).	An employer must pay wages at least every 35 days. Or. Rev. Stat. § 652.120(2). An employer and employee may agree to pay wages via direct deposit. <u>Id.</u> § 652.110(4).	An employee who works for a period of 6-8 hours is entitled to a 30-minute meal period, during which the employee is relieved of all duties. Or. Admin. R. § 839-020-0050(2)(a). If the employee is not relieved of all duties, the employer must pay the employee for the entire 30-minute break. <u>Id.</u> § 839-020-0050(2)(b). An employee who works over 8 hours is entitled to multiple breaks. <u>Id.</u> § 839-020-0050(2)(c).

	Minimum Wage	Overtime	Wage payment	Breaks
Pennsylvania	Effective July 24, 2009, Pennsylvania's minimum wage was \$7.25 per hour. See Pa. Stat. Ann. tit. 43 § 333.104(a.1). Tipped employees may receive \$2.83 per hour, as long as the sum of the tips and base wage at least equal the minimum wage. See <i>id.</i> § 333.103(d). There are several exemptions from the minimum wage. <i>Id.</i> §§ 333.105(a)(1)-(12).	An employee who works over 40 hours per workweek is entitled to 1.5 times the regular rate of pay for overtime. Pa. Code § 231.41. There are several exemptions from overtime. Pa. Stat. Ann. tit. 43 §§ 333.105(b)(1)-(7).	An employer must pay wages at least semimonthly. Pa. Stat. Ann. tit. 43 § 251.	Pennsylvania does not require breaks for employees over the age of 18. If an employer provides a break of less than 20 minutes, the break is paid. Meal periods are not required.
Rhode Island	As of January 1, 2007, Rhode Island's minimum wage was \$7.40. R.I. Gen. Laws § 28-12-3(d). Tipped employees must be paid at least \$2.89 per hour, provided that, including tips, their wages add up to at least \$7.40 per hour. <i>Id.</i> § 28-12-5(b). There are several exemptions from the minimum wage. <i>Id.</i> §§ 28-12-2(5)(i)-(viii).	An employee who works over 40 hours per week must be paid 1.5 times the regular rate of pay for overtime. R.I. Gen. Laws § 28-12-4.1(a). A retail employee who works on a Sunday or holiday receives 1.5 the regular rate of pay, which shall not be included in computing overtime. <i>Id.</i> § 28-12-4.1(b). There are several exemptions to the overtime law. See <i>id.</i> §§ 28-14-4.3.	An employer must pay its employees weekly, with several exceptions. R.I. Gen. Laws § 28-14-2.2. An employer may pay an employee in cash or by check, or by direct deposit upon the employee's written request. <i>Id.</i> §§ 28-14-2, -10.1(a).	Rhode Island requires employers to provide a twenty-minute meal period to be given during a six-hour shift, and a thirty-minute meal period to be given during an eight-hour shift. See Rhode Island Dept. of Labor and Training, Labor Standards http://www.dlt.ri.gov/ls/faqs.htm#What%20it%20the%20law%20regarding%20lunches%20and%20breaks?
South Carolina	Effective July 24, 2009, South Carolina's minimum wage was \$7.25 per hour. South Carolina does not have a state minimum wage law.	South Carolina does not have a state overtime law.	An employer may pay wages in cash or by check or direct deposit. S.C. Stat. Ann. §§ 41-10-40(A)-(B).	Employers do not have to give breaks to adult workers under state law, but if an employer provides a break of less than 20 minutes, the break is paid. Meal periods are not required.
South Dakota	Effective July 24, 2009, South Dakota's minimum wage was \$7.25 per hour. S.D. Codified Laws § 60-11-3. Tipped employees may be paid \$2.13 per hour, as long as the sum of the tips and base wage at least equal the minimum wage. <i>Id.</i> § 60-11-3.1.	South Dakota does not have a state overtime law.	An employer shall pay wages at least 1 time per month. S.D. Codified Laws § 60-11-9. Wages may be in cash or by check or direct deposit. <i>Id.</i>	Employers do not have to give breaks to adult workers under state law, but if an employer provides a break of less than 20 minutes, the break is paid. Meal periods are not required.
Tennessee	Effective July 24, 2009, Tennessee's minimum wage was \$7.25 per hour. Tennessee has no state minimum wage law	Tennessee does not have a state overtime law.	Wages must be paid semimonthly. Tenn. Code Ann. §§ 50-2-103(a)(1)-(2). Payment may be made in cash or by check, direct deposit, or credit to a prepaid debit card. <i>Id.</i> §§ 50-2-103(e)(1)(A)-(D).	An employee who works 6 consecutive hours shall have a 30-minute unpaid rest break or meal period, except in workplace environments that by the nature of the business provide for ample opportunity to take a break. Tenn. Code Ann. § 50-2-103(h).
Texas	Effective July 24, 2009, Texas's minimum wage was \$7.25 per hour. Tex. Lab. Code § 62.051. Tipped employees are paid pursuant to the FLSA's provisions. <i>Id.</i> § 62.052(a). There are multiple exemptions from the minimum wage laws. See <i>id.</i> §§ 62.151-62.161.	Texas does not have a state overtime law.	An employer shall pay wages to employees exempt from the FLSA's overtime provisions at least 1 time per month and shall pay all other employees at least 2 times per month. Tex. Lab. Code §§ 61.011(a)-(b). Wages may be paid in cash or by check or direct deposit. <i>Id.</i> §§ 61.016(a)(1)-(3).	Employers do not have to give breaks to adult workers under state law, but if an employer provides a break of less than 20 minutes, the break is paid. Meal periods are not required.

Table 15. State Wage and Hour Laws - Standards				
	Minimum Wage	Overtime	Wage payment	Breaks
Utah	Effective July 24, 2009, Utah's minimum wage was \$7.25 per hour. There are several exemptions to Utah's minimum wage. See Utah Code Ann. § 34-40-104. Tipped employees may receive \$2.13 per hour, provided that with tips, their hourly wage is at least \$7.25 per hour. <u>Id.</u> §§ 34-40-104(4)(a)-(b)(ii).	Utah does not have a state overtime law.	An employer must pay wages at least semimonthly. Utah Code Ann. § 34-28-3(1)(a). Wages may be paid in cash or by check or direct deposit. <u>Id.</u> §§ 34-28-3(e)(i)-(iii). An employer may refuse to accept payment of wages by direct deposit under certain circumstances. See <u>id.</u> §§ 34-28-3(3)(a)-(b)(ii).	Utah does not require employers to provide breaks for employees aged 18 years or older.
Vermont	Effective January 1, 2011, Vermont's minimum wage increased to \$8.15 per hour. See http://www.labor.vermont.gov/Portals/0/UI/W H-11%20Minimum%20Wage%20Rate.pdf . Effective January 1, 2011, the base wage for tipped employees increased to \$3.95 per hour, as long as the sum of their tips and the base wage equals the minimum wage. See http://www.labor.vermont.gov/Portals/0/UI/W H-11%20Minimum%20Wage%20Rate.pdf .	An employer shall not pay an employee less than one and one-half times the regular wage rate for any work done by the employee in excess of 40 hours during a workweek. Vt. Stat. Ann. tit. 21, § 384 (b).	An employer must pay its employees weekly, but the employer may pay biweekly or semimonthly wages if it provides written notice to its employees. Ver. Stat. Ann. tit. 21 §§ 342(a)(1)-(2). Wages are paid in cash or by check, or by direct deposit or credit to a payroll card account with the employee's written authorization. <u>Id.</u> §§ 342(a)(1), (c)(1)-(2).	An employer shall provide an employee with reasonable opportunities during work periods to eat and to use toilet facilities in order to protect the health and hygiene of the employee. Vt. Stat. Ann. tit. 21, § 304.
Virginia	Effective July 24, 2009, Virginia's minimum wage was \$7.25 per hour. See Va. Code Ann. § 40.1-28.10. There are several exemptions from the definition of an "employee" entitled to the minimum wage. See <u>id.</u> §§ 40.1-28.9(B)(1)-(17).	Virginia does not have a state overtime law.	Salaried employees must be paid at least monthly, and hourly employees must be paid at least semimonthly, with some exceptions. Va. Code Ann. § 40.1-29(A)(1). Payment of wages shall be in cash, or by check, direct deposit, or credit to a prepaid debit card or card account. <u>Id.</u> § 40.1-29(B).	Virginia does not require employers to provide breaks for workers aged 16 years or older.
Washington	Effective January 1, 2011, Washington's minimum wage will increased to \$8.67 per hour. See http://www.lni.wa.gov/news/2010/pr101015a.asp . There are several exemptions to the minimum wage. See §§ 49.46.010(a)-(o), 49.46.060.	An employee who works over 40 hours in a workweek must receive 1.5 times the regular rate of pay. Ann. Rev. Code Wash. § 49.46.130(1). There are several exceptions to Washington's overtime law. <u>Id.</u> §§ 49.46.130(2)(a)-(i).	Wages may be paid in cash or by check. Ann. Rev. Code Wash. § 49.46.010(2).	Employees who work over 5 consecutive hours must receive a meal period. http://www.lni.wa.gov/WorkplaceRights/files/policies/esc6.pdf . Meal periods may be unpaid if the employee is completely relieved of work for at least 30 minutes. <u>Id.</u>

Table 15. State Wage and Hour Laws - Standards				
	Minimum Wage	Overtime	Wage payment	Breaks
West Virginia	Effective July 1, 2008, West Virginia's minimum wage was \$7.25 per hour. W. Va. Code § 21-5C-2(a)(3). There are several exemptions from the definition of an "employee" who receives the minimum wage. <u>Id.</u> § 21-5C-1(f). A tipped employee receives a 20% credit against the minimum wage, as long as the tips make up the difference between the minimum wage and the credited wage. <u>Id.</u> § 21-5C-4.	An employee who works over 40 hours per workweek shall receive 1.5 times the regular rate of pay. W. Va. Code § 21-5C-3(a).	An employer must pay its employees at least semimonthly. W. Va. Code § 21-5-3(a). Payment may be made in cash or by cash order, payroll card, or direct deposit. <u>Id.</u> §§ 21-5-3(b)(1)-(4).	During the course of a workday of six or more hours, all employers shall make available for each of their employees, at least twenty minutes for meal breaks, at times reasonably designated by the employer. This provision shall be required in all situations where employees are not afforded necessary breaks and/or permitted to eat lunch while working. W. Va. Code §21-3-10a.
Wisconsin	As of July 24, 2009 The minimum wage in Wisconsin is \$7.25. Minimum wage for tipped employees is \$2.33 per hour. Wis. Admin. Code Dep't of Workforce Dev. § 272.03. Opportunity employees are employees that are under the age of 20 years old and has been employed for less than 90 consecutive days from initial employment. DWD § 272.01(11) In Wisconsin the minimum wage for Opportunity Employees is \$5.90 per hour and \$2.13 for tipped Opportunity Employees.	Employers in Wisconsin are required to pay overtime at a rate of one and one half times the rate of pay for work beyond 40 hours per week. Wis. Admin. Code Dep't of Workforce Dev. § 274.03.	Every employer shall as often as monthly pay to every employee engaged in the employer's business, except those employees engaged in logging operations and farm labor, all wages earned by the employee to a day not more than 31 days prior to the date of payment. Wis. Stat. § 109.03.	There is no requirement in Wisconsin for employers to provide breaks or lunch breaks for workers 18 years old or older. Wisconsin recommends that employers provide a 30-minute meal break for shifts greater than 6 hours and requires the break for employees under the age of 18 years old. Wis. Admin. Code Dep't of Workforce Dev. § 274.02 (2010). Breaks lasting less than 30 minutes must be paid. Dept' Workforce Dev. § 274.02(2).
Wyoming	Wyoming's minimum wage has been \$5.15 per hour since April 1, 2001. Wyo. Stat. Ann. § 27-4-202(a) (Michie 2010) . Tipped employees may not be paid less than \$2.13 per hour and if their hourly wage combined with tips does not equal \$5.15 per hour the employer must pay the employee the difference. <u>Id.</u> § 27-4-202(b) (Michie 2010). All employees under twenty (20) years of age may be paid \$4.25 per hour for the first 90 consecutive days of employment. Thereafter they must be paid the prescribed minimum wage of \$5.15 per hour.	Wyoming does not have laws governing the payment of overtime except for State and County employees where the rate is one and one-half (1 ½) times their regular compensation for each hour of service required to be performed in excess of eight (8) hours per day and forty (40) hours per week. Wyo. Stat. Ann. § 27-5-101 (2001).	Wages must be paid at least semi-monthly. Wyo. Stat. Ann. § 27-4-101 (Michie 2010).	Wyoming does not have state laws on meal breaks or rest periods.

Table 16. State Wage and Hour Laws - Enforcement	
	Enforcement
Alabama	The Alabama Department of Labor investigates and attempts to collect on wage claims. Ala. Code § 25-3-4. The Alabama Department of Labor attempts to collect wages for employees who have not received their pay and leaves enforcement of other wage and hour laws to the U.S. Department of Labor.
Alaska	The Labor Standards and Safety Division has the power to investigate an employee's wages, enter a place of business and inspect payroll records, subpoena wages and hours information from an employer and require the employer to make a statement under oath, question an employee during work hours at work, and compel attendance of witnesses and the production of evidence for the purpose of a hearing or investigation. AS § 23.10.080. An employee who was inadequately paid can file an action in court against the employer, or can assign the action to the Commissioner. AS § 23.10.110(b). Employees have two years from the date that the cause of action accrues to file claims for unpaid minimum wage or overtime. AS § 23.10.130.
Arizona	An employee who did not receive minimum wage can bring a civil action within 2 years after the last violation occurs, or three years in a case of willful violation, and may include all violations that occurred as part of an employer's continuing course of conduct regardless of date. Ariz. § 23-364(h). The statute of limitations is tolled during an investigation by the Industrial Commission or law enforcement officer. <u>Id.</u> An employer who does not pay the minimum wage must pay the wages with interest, as well as a penalty of two times the wages. <u>Id.</u> § 23-364(g). An employer who retaliates against an employee must pay at least \$150 for each day that the violation occurred or until final judgment. <u>Id.</u> Both the Industrial Commission and the courts have the authority to order payment of wages and to issue civil penalties. <u>Id.</u> A prevailing employee is entitled to recover reasonable attorneys' fees and costs. <u>Id.</u> The Industrial Commission is authorized to enforce minimum wage disputes. Ariz. § 23-364(a). Any person can file a complaint with the Industrial Commission against an employer. <u>Id.</u> § 23-364(c). The Industrial Commission can interview employees and can review records related to all employees at the employer's worksite to protect the employee's identity and to determine whether a pattern of violations exist. <u>Id.</u> An employer's failure to maintain payroll records creates a rebuttable presumption that the employer did not pay minimum wage. <u>Id.</u> § 23-364(d). An employer who violates the recordkeeping requirements is subject to a civil penalty of \$250 or more for the first violation and \$1,000 or more for any subsequent violations. <u>Id.</u> § 23-364(f).
Arkansas	Employer violations of Arkansas's minimum wage and overtime laws (§ 11-4) or interference with a Department of Labor enforcement action are punishable by civil penalty of between \$50 and \$1000 per violation. Ark. § 11-4-206(a)(1). The Director of the Department of Labor determines the size of the penalty, and that determination is final unless the employer contests the penalty under the Arkansas APA. <u>Id.</u> §§ 11-4-206(d)-(e). The Director is also authorized to petition the court for an injunction against employers who violate § 11-4. <u>Id.</u> § 11-4-206(i). The Director or his or her authorized representatives have the authority to enforce Arkansas's wage and hour laws and can enter and inspect businesses, examine payrolls and other wage-and-hour-related documents, question employees, and require sworn statements in writing from the employer. Ark. § 11-4-209(d). The Labor Standards Division has enforcement authority over minimum wage and overtime disputes. Ark. Reg. 010.14-001. An employee may bring an action for equitable and monetary relief against an employer for failure to pay adequate wages and does not have to exhaust administrative remedies before filing a complaint. Ark. §§ 11-4-218(e)(1), (e)(3)(A). The Director has the authority to enforce wage and hour violations by instituting legal action to recover wages, but only after notice and opportunity for hearing and entry of a final administrative order have occurred. <u>Id.</u> §§ 11-4-218(d)(1)-(2).
California	California's wage and hour laws are enforced in several ways. The Division of Labor Standards Enforcement (DLSE), which is headed by the Office of the Labor Commissioner is specifically tasked with affirmatively seeking out wage and hour violations and for instituting actions to recover wages and imposing penalties for such violations. Cal. Lab. Code §§ 79, 217, 1173, 1193.5, 1193.6 (2009); Department of Industrial Relations, Division of Labor Standards Enforcement (DLSE), http://www.dir.ca.gov/dlse/aboutDlse.html . Prosecutors at the county and city level may also bring civil or criminal actions to enforce wage and hour laws independently from DLSE. Cal. Lab. Code § 218. Employees may file a wage claim with DLSE, and DLSE may then investigate and order a hearing to resolve the claim. Cal. Lab. Code § 98(a), 1195. Finally, an employee may file a civil suit directly against an employer to recover unpaid wages, Cal. Lab. Code §§ 218, 1194, or to enforce, as private

Table 16.	State Wage and Hour Laws - Enforcement
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	<p>attorneys general, the civil penalties for violations of wage and hour laws and regulations, so long as the Labor Division is given notice of the employee’s intent to file suit, investigates the alleged violation, and elects not to act on its own. Cal. Lab. Code §§ 2699(a), 2699.3. A prevailing employee in such a suit is entitled to 25 percent of the penalties recovered, while 75 percent of the recovery goes to the Labor and Workforce Development Agency. Cal. Lab. Code § 2699(i) In enforcing California’s labor laws, the Labor Commissioner and his agents (including DLSE) are empowered to access to any place of labor and to demand from employers information and statistics relating to wage and hour standards. Cal. Lab. Code § 90; 1193.5. Within 30 days of the filing of a claim, DLSE must inform the relevant parties that a hearing will be held, whether DLSE will prosecute the employees claim, or whether no action will be taken. <u>Id.</u> Within 15 days after completion of any hearing on a wage claim, DLSE is required to issue its determination. <u>Id.</u> § 98.1. The parties may then seek judicial review of the decision by filing an appeal in superior court within 10 days. <u>Id.</u> § 98.2. If the party seeking review is unsuccessful, the other parties are entitled to costs and attorney’s fees incurred as a result of the appeal. <u>Id.</u> § 98.2(c). DLSE is generally empowered to prosecute a wage claim on an employee’s behalf, and may join multiple claimants together in one action where it is reasonable to so. <u>Id.</u> § 98.3, 98.4, 100. Upon the filing of a wage and hour claim by an employee, the Labor Commissioner may take assignment of that claim, Cal. Lab. Code § 96, although in cases where an employee is covered by a collective bargaining agreement, the collective bargaining representative may be the assignee of any wage claim filed with DLSE by the employee. Cal. Lab. Code § 96. If DLSE investigates a wage claim and determines that wages are due to an employee, DLSE may recover the wages even without assignment by the employee, place the funds into an Industrial Relations Unpaid Wage Fund and then attempt to identify and remit wages to the employee under whose claim they were collected. Cal. Lab. Code § 96.7. DLSE may also commence a civil action to recover unpaid minimum wages or overtime compensation, with or without the consent of the employees or employers involved. Cal. Labor Code § 1193.6. An employer is subject to a civil penalty of \$100 for the initial failure to pay an employee the wages due to them, and a penalty of \$200 for each subsequent violation, or for any intentional violation, plus 25 percent of the amount unlawfully withheld. Cal. Lab. Code §§ 210(a), 225.5. An employer is also liable for 10 percent interest (or an alternative percentage if specified in the employment contract) on all unpaid wages accruing from the date that the wages were due. Cal. Civ. Code § 3289. The willful refusal to pay wages owed also qualifies as a misdemeanor. <u>Id.</u> § 216. An employer who violates a provision regulating hours and days of work is subject to a penalty of \$50 for an initial violation – and \$100 of any subsequent violation – for each underpaid employee in each pay period in which a violation occurred. Cal. Lab. Code § 558. Violations of the state minimum wage are punishable by a civil fine of \$100 for any initial intentional violation and \$200 fine for each additional violation regardless of intention. Cal. Lab. Code § 1197.1(a). In a civil action commenced by either an employee or by DLSE to recover unpaid wages less than the minimum wage, an employee is entitled to seek liquidated damages in the amount equal to unpaid wages, plus interest. Cal. Lab. Code § 1194.2. A court may grant an injunction against any further violation by an employer of any wage and hour law, regulation or order. Cal. Lab. Code § 1194.5. Any employee who prevails in any action to enforce the labor code is entitled to reasonable costs and attorneys fees. Cal. Lab. Code § 2699(g)(1). An employer is subject to a criminal fine of not less than \$100 or imprisonment for not less than 30 days for any violation of any Labor Commission order including those establishing maximum work hours or conditions, or the minimum wage. Cal. Lab. Code § 1199.</p>
Colorado	<p>An employee who receives less than the minimum wage can bring a civil action to recover the unpaid balance of minimum wage and the costs of the suit. Colo. § 8-6-118. The employee need not exhaust administrative remedies before filing suit. <u>Id.</u> § 8-4-110(2). Actions must be brought within 2 years after the cause of action accrues or within 3 years for a willful violation of Colorado’s wage act. <u>Id.</u> § 8-4-122. An employer that pays less than the minimum wage is guilty of a misdemeanor punishable by a \$100-\$500 fine, imprisonment for 30 days to 1 year, or both. Colo. § 8-6-116. If an employer in good faith fails to pay wages, the employer shall be liable to pay a maximum penalty of \$50 per day for each failure to pay each employee, commencing from the date that wages became due. <u>Id.</u> § 8-4-113(1). An employer who does not pay wages on time is guilty of a misdemeanor punishable by a maximum fine of \$300, maximum imprisonment of 30 days, or both. <u>Id.</u> § 8-4-114(1). Any employer who is able to pay</p>

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	wages and willfully refuses to pay or falsely denies an amount in a wage claim with intent to secure discount or with intent to harass is guilty of a misdemeanor punishable by a maximum fine of \$300, maximum imprisonment of 30 days, or both. <u>Id.</u> § 8-4-114(2). If an employee does not recover an amount greater than that tendered by the employer, the court may award the employer reasonable costs and attorneys' fees when the employee claims wages greater than \$7500. <u>Id.</u> § 8-4-110(1). If the employee recovers a sum greater than that tendered by the employer, the court may award the employee reasonable costs and attorneys' fees. <u>Id.</u> Any person may make a complaint to the Division of Labor that an employee has received less than the established rate, and the Director shall investigate the matter and take all proceedings necessary to enforce the minimum wage. <u>Id.</u> § 8-6-119. The Director can institute actions for penalties and can enforce the provisions of Colorado's wage act. Colo. § 8-4-111(1). The Director can hold public hearings to investigate any matters within his authority, at which employers and employees can give testimony. <u>Id.</u> § 8-6-108(1). The Director can compel attendance and production of evidence, administer oaths, and issue subpoenas. <u>Id.</u> A county or city district attorney can also prosecute actions for wage violations and enforce Colorado's wage act. <u>Id.</u> § 8-4-111(2).
Connecticut	Enforcement of Connecticut wage and hour laws is done by the Commissioner of Labor and authorized personnel of the Labor Department. Conn. Gen. Stat. § 31-59 (2009). The Commissioner has the authority to: (a) investigate and ascertain the wages of persons employed in any occupation in the state; (b) enter the place of business or employment of any employer of persons in any occupation for the purpose of examining and inspecting any records that have a bearing upon the question of wages and for the purpose of ascertaining whether Connecticut's wage and hour laws and regulations are being complied with; and (c) require from such employer full and correct statements in writing of the wages paid to all persons in his employment. <u>Id.</u> The Commissioner may investigate the wages being paid to persons in any occupation to ascertain whether any substantial number of persons in such occupation is receiving less than a fair wage. <u>Id.</u> If the Commissioner determines that any substantial number of persons in any occupation is receiving less than a fair wage, he is directed to appoint a wage board to report upon the establishment of minimum fair wage rates of as defined in section 31-58. <u>Id.</u>
Delaware	The Delaware Department of Labor enforces minimum wage and on-time payment requirements. 19 Del. C. §§ 903(a), 1111(a). Upon ex parte application by the Department that it has reasonable ground to believe that the minimum wage laws were or are being violated, the Delaware Superior Court shall permit the Department to enter and inspect an employer's place of business (with 1 day's notice) and demand to examine the payroll and other wage-and-hour-related-records, question the employer and employees, require sworn or written statements from the employer, make an investigation, and hold hearings. <u>Id.</u> §§ 903(b)(1)-(5), 1111(b)(1)-(5). The Department may institute actions in the Superior Court for penalties for minimum wage or on-time payment violations. <u>Id.</u> §§ 903(c), 1111(c). Within the Department of Labor, the Division of Industrial Affairs, specifically the Office of Labor Enforcement, enforces wage and hour violations. <u>See</u> Del. Reg. §§ 1320-26. An employer who hinders or delays the Department in performing its duties or fails to pay minimum wage is subject to a \$1000-\$5000 civil penalty for each violation. 19 Del. C. §§ 910(a), 1112(a). A civil penalty claim is filed in the courts. <u>Id.</u> § 910(c). Any employer who pays an employee less than minimum wage or fails to pay the employee wages due is liable to that employee in a civil action for the full amount of wages offset by the amount actually paid, costs, and attorneys' fees. 19 Del. C. §§ 911(a), 1113(a), (c). The Department may also bring any legal action to recover unpaid minimum wages, and shall attempt to notify affected employees of its action. <u>Id.</u> § 911(b). The Department may bring an action to recover unpaid wages and, with the employee's consent, can settle and adjust the claim. <u>Id.</u> § 1113(b). If the Department prevails, it is entitled to costs and reasonable attorneys' fees. <u>Id.</u> §§ 911(b), 1113(c).
District of Columbia	The Mayor has the authority to investigate minimum and unpaid wage claims, inspect businesses, examine books and records, question employees, require employers to make sworn statements regarding wage payment, administer oaths, and issue subpoenas. D.C. Code Ann. §§ 32-1005(1)-(3), 1007, 1306(a)-(c). It is unlawful for an employer to violate the minimum wage act or to hinder the Mayor in enforcing the minimum wage. D.C. Code Ann. §§ 32-1010(1), (4). Any person who willfully violates the minimum wage act is subject to a maximum \$10,000 fine, maximum 6 months in prison, or both. <u>Id.</u> § 32-1011(a). However, no person shall be imprisoned unless previously convicted for a prior minimum

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	wage violation. <u>Id.</u> § 32-1011(b). The District of Columbia Attorney General brings prosecutions under § 32-1011. <u>Id.</u> § 32-1011(c). The Mayor can also collect administrative penalties of up to \$300 for the first violation and up to \$500 for each subsequent violation. <u>Id.</u> § 32-1011(d). An employer who willfully fails to pay wages shall be guilty of a misdemeanor punishable by a maximum fine of \$300, a maximum 30 days' imprisonment, or both. D.C. Code Ann. § 32-1307(a). For subsequent offenses, the maximum fine is \$500 and the maximum imprisonment is 90 days. <u>Id.</u> The Mayor shall assess administrative penalties of up to \$300 for the first violation and up to \$500 for each subsequent violation. <u>Id.</u> § 32-1307(b). An employee may bring an action to collect minimum or unpaid wages, or the Mayor can bring an action for the employee upon the employee's written request. D.C. Code Ann. §§ 32-1012(b), 1012(e), 1308(a). A prevailing employee may recover reasonable attorney's fees and costs. <u>Id.</u> §§ 32-1012(c), 1308(b). There is a 3-year statute of limitations for bringing unpaid minimum wage claims. <u>Id.</u> § 32-1013. An employer who pays less than the minimum wage is liable for the amount of unpaid wages plus an additional amount as liquidated damages. <u>Id.</u> § 32-1012(a). If the employer's failure to pay minimum wages was in good faith, the court may award no or less liquidated damages. <u>Id.</u>
Florida	An employee who does not receive the minimum wage may bring a civil action against the employer. Fla. Stat. § 448.110(6)(a). Employees can also bring a class action to enforce the minimum wage. <u>Id.</u> § 448.110(9). However, prior to bringing an action, the employee must notify the employer in writing of his or her intent to initiate the action, and must specify the minimum wage to which he or she claims entitlement, the actual or estimated work dates and hours for which payment is sought, and the total amount of allegedly unpaid wages. <u>Id.</u> The employer has 15 days after receipt of notice to pay the total amount of unpaid wages. <u>Id.</u> § 448.110(6)(b). The statute of limitations is tolled during the 15-day period. <u>Id.</u> If the employer fails to pay the amount allegedly due, the aggrieved employee may bring a claim for unpaid minimum wages. <u>Id.</u> If an employee prevails in a claim for unpaid minimum wages, the employee shall recover the full amount of unpaid wages plus the same amount as liquidated damages, as well as reasonable attorneys' fees and costs. Fla. Stat. § 448.110(6)(c)(1). If the employer proves by a preponderance of evidence that the omission was in good faith, the court may in its discretion award no or a lesser amount of liquidated damages. <u>Id.</u> A prevailing employee is also entitled to appropriate legal and equitable relief, including reinstatement and injunctive relief, but not punitive damages. <u>Id.</u> § 448.110(6)(c)(2). The Florida Attorney General may also bring a civil action to enforce state minimum wage laws and may seek injunctive relief. Fla. Stat. § 448.110(7). If an employer is found to have willfully violated the minimum wage law, the Attorney General may seek to impose a fine of \$1000 per violation, payable to the state. <u>Id.</u> There is a 5-year statute of limitations for bringing an action for a willful violation of the minimum wage law, Fla. Stat. § 95.11(2)(d), and a 4-year statute of limitations for bringing an action alleging a violation of the minimum wage law other than a willful violation, <u>id.</u> § 95.11(3)(q), beginning on the date that the alleged violation occurred, <u>id.</u> § 448.110(8).
Georgia	An employee who receives less than the minimum wage has three years to bring a civil action to recover the difference between the amount paid and the minimum wage plus an equal amount of liquidated damages, as well as costs and such reasonable attorneys' fees as may be allowed by the court. Ga. Stat. § 34-4-6. The Commissioner of Labor enforces the minimum wage law. Ga. Stat. § 34-4-2. The Commissioner of Labor generally has the power to make necessary inspections to see that all laws that the Department of Labor has the power to enforce are promptly carried out. <u>Id.</u> § 34-2-6(a)(2).
Hawaii	The Director of Labor and Industrial Relations enforces the minimum wage law. Haw. Rev. Stat. § 387-5. Within the Department of Labor and Industrial Relations, the Wage Standards Division enforces wages and hours laws. The Director has the authority to examine and copy an employer's wage and hour records and to question employees. Haw. Rev. Stat. §§ 387-6(a), (e). The Director may administer oaths, take depositions, and subpoena witnesses and documents. <u>Id.</u> § 387-10. An employer who willfully delays the Director in performing his enforcement duties shall be fined a maximum of \$500, imprisoned for a maximum of 90 days, or both. Haw. Rev. Stat. § 387-7. Any employer who willfully violates the minimum wage law is guilty of a misdemeanor, punishable by a \$50-\$500 fine, a maximum of 1 year's imprisonment, or both. Haw. Rev. Stat. § 387-12(a). An employer who violates Hawaii's minimum wage and overtime provisions is liable for the unpaid wages, and in cases of willful violation,

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	<p>an equal amount as liquidated damages. <u>Id.</u> § 387-12(b). An employer who fails to pay wages on time is liable to the employee for the wages legally due and for a sum equal to the amount of unpaid wages and 6 percent interest. Haw. Rev. Stat. § 388-10(a). An employer who does not pay any of its employees wages, discriminates against a complaining employee, or willfully violates Hawaii’s wage payment provisions shall be fined \$100-\$10,000, imprisoned for a maximum of 1 year, or both, for each offense. <u>Id.</u> § 388-10(b). An employee can bring an action in court to recover unpaid wages. Haw. Rev. Stat. § 387-12(c). If the employee prevails, the court shall allow reasonable attorneys’ fees and costs. <u>Id.</u> At an employee’s request, the Director can bring an action for unpaid wages in the employee’s name. <u>Id.</u> Also, the Director can bring an action to enjoin an employer’s wage and hour violations. <u>Id.</u> § 387-13(d)(1).</p>
Idaho	<p>When the Director of the Department of Labor has reason to believe that an employer is violating or will violate the minimum wage law, he may bring an action to enjoin the employer’s actions and to enforce compliance with the minimum wage law. Idaho C. § 44-1508(1). An action for unpaid minimum wages must be commenced in a court of competent jurisdiction within 2 years after the cause of action has accrued. Idaho C. § 44-1508(2). A claim for unpaid wages must be commenced in court or filed with the Department within 2 years, but when an employee has been paid and claims additional wages, the action must be commenced within 6 months after the cause of action accrued. <u>Id.</u> § 45-614. A judgment rendered by a court for the employee may include all costs and attorneys’ fees reasonably incurred, and the employee shall be entitled to recover either unpaid wages plus penalties, or damages in the amount of 3 times the unpaid wages due and owing, whichever is greater. <u>Id.</u> § 45-615(2). The Director of the Department of Labor may levy a civil penalty of up to \$500 per pay period upon an employer who fails to make timely wage payment and who has been determined to have undertaken a consistent pattern of untimely payment. Idaho C. § 45-608(4). If an employer fails to pay all wages, the employer may be subject to a penalty in the amount of the employee’s regular wage rate until paid in full or 15 days, whichever is less. <u>Id.</u> § 45-607. The maximum penalty is \$750. <u>Id.</u> If an employee’s wages are in dispute and the employer pays all wages not in dispute, no penalties may be assessed unless the balance of wages were withheld willfully, arbitrarily, and without just cause. <u>Id.</u> § 45-611(1). The Director has the power to enforce wage payment laws. The Director can hold hearings and investigate violations, and can issue administrative remedies. Idaho C. § 45-616(1). The Director can inspect business places, question employees, administer oaths and examine witnesses, and issue subpoenas. <u>Id.</u> § 45-616(2)-(3).</p>
Illinois	<p>The Director of the Department of Labor has the authority to enforce the minimum wage, and can enter and inspect businesses, question employees, request sworn statements from employers, and issue subpoenas. 820 Ill. Comp. Stat. §§ 105/7(a)-(c). The Director also has the authority to enforce collection of unpaid wages. <u>Id.</u> § 115/6. Within the Department of Labor, the Fair Labor Standards Division enforces wage and hour laws. Any employer who hinders the Director in performing his duties is guilty of a Class B misdemeanor. 820 Ill. Comp. Stat. § 105/11(a). Any employer who pays less than the minimum wage is guilty of a Class B misdemeanor, and each week on any day of which the employee is paid less than the minimum wage is a separate offense. <u>Id.</u> § 105/11(b). The Department of Labor has the duty to institute actions for the above-stated penalties. <u>Id.</u> § 105/11(d). There is a 3-year statute of limitations for bringing a claim for failure to receive the minimum wage. 820 Ill. Comp. Stat. § 105/12(a). An employee who is paid less than the minimum wage may recover in a civil action the amount of underpayments, costs and reasonable attorneys’ fees as may be allowed by the court, and damages of 2% of the amount of underpayments for each month following the date of payment. <u>Id.</u> At an employee’s request or on motion of the Director, and Department of Labor (represented by the Attorney General) can pursue the wage claim. <u>Id.</u> When an employer’s conduct is willful, repeated, or with reckless disregard for the minimum wage act, the employer will be liable to the Department of Labor for up to 20% of the underpayment. <u>Id.</u> There is a 1-year statute of limitations for filing unpaid wages claims. 820 Ill. Comp. Stat. § 115/11. An employer who willfully refuses to pay wages due to an employee, or falsely denies the amount due, with intent to secure the underpayment for himself or to harass or defraud another, is guilty of a Class C misdemeanor. <u>Id.</u> § 115/14(a). If the Director orders an employer to pay wages and the employer fails to pay within 15 days, the employer is liable to pay a penalty of 1% per day for each day of delay in paying wages up to an amount equal to 2 times the sum</p>

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	of unpaid wages due. <u>Id.</u> § 115/14(b). In such a situation, the employer will also be liable to the Department of Labor for 20% of unpaid wages. <u>Id.</u> Penalties shall be recovered in a civil action in which the Director is represented by the Attorney General. <u>Id.</u> § 115/14(b-5).
Indiana	An employee who does not receive wages or minimum wage can file a private action. Ind. Code § 22-2-2-9. In addition, the Commissioner of the Department of Labor can prosecute wage claims of less than \$6,000. <u>Id.</u> § 22-2-9-5(a). The Commissioner can investigate wage claims and hold hearings, and can refer wage claims to the Attorney General. <u>Id.</u> §§ 22-2-9-4(a)-(b). There is a 3-year statute of limitations for bringing unpaid minimum wage claims. Ind. Code § 22-2-2-9. An employer who violates the minimum wage provisions shall be liable for unpaid minimum wages and an equal amount in liquidated damages. <u>Id.</u> A prevailing employee can recover a reasonable attorney’s fee and costs. <u>Id.</u> An employer who pays less than the minimum wage commits a Class C infraction. <u>Id.</u> § 22-2-2-11(a)(2). An employer who knowingly or intentionally violates the minimum wage laws commits a Class A infraction. <u>Id.</u> § 22-2-2-11(b). An employer who violates the minimum wage laws after having received a prior unrelated judgment for minimum wage violations is guilty of a Class B misdemeanor. <u>Id.</u> § 22-2-2-11(c). An employer who fails to pay wages is liable for liquidated damages of 10% of the amount due for each day that the wages remain unpaid, not exceeding double the amount of wages due. Ind. Code § 22-2-5-2.
Iowa	An employee may file a wage payment claim, forms for which are available upon request and online. See Iowa Admin Code r. 875-35.3(1); Iowa Division of Labor Services, Wage Payment Collection and Minimum Wage, http://www.iowaworkforce.org/labor/wage.htm . The Iowa Commissioner of Labor may accept written complaints from employees regarding nonpayment of wages, up to one year from the date that wages become due and payable. Iowa Code § 91A.10(1). The Commissioner may determine whether the employee has an enforceable claim, and with the employee’s consent, may take assignment in trust for any wages and liquidated damages due the employee. Iowa Code § 91A.10(1). If it has been shown that an employer intentionally failed to pay wages or reimburse expenses, the employer is liable to the employee for the amount of such wages or expenses plus liquidated damages, court costs and any attorney’s costs incurred in recovering the wages or expenses. Iowa Code § 91A.8. Where the employer’s failure to pay is not intentional, the employer is liable only for the unpaid wages or expenses, court costs and attorney’s fees. <u>Id.</u> The Commissioner may hold hearings and investigate charges of violations of Iowa’s wage payment laws. <u>Id.</u> at 91A.9. Upon receipt of an employee’s written complaint, the Commissioner may, consistent with due process, enter any place of employment to inspect wage and payrolls records, question the employer and employees and investigate facts relevant to determining whether Iowa’s wage payment laws have been violated. <u>Id.</u> at 91A.10(1) Once any wages, expenses or liquidated damages have been assigned to the Commissioner, the Commissioner must file suit to recover the assigned claim, or settle the claim out of court with the employee’s consent. <u>Id.</u> at 91A.10(2). The Commissioner may combine multiple employee claims into a single action against, or settlement with, an employer, and the Commissioner may request assistance from the Attorney General in settling or pursuing such a claim. <u>Id.</u> Employers are prohibited from firing or discriminating against an employee because the employee has filed a complaint or participated in an action against the employer for the nonpayment of wages or expenses. Iowa Code § 91A.10(5) An employer is subject to a civil penalty of no more than \$500 for each violation by the employer of Iowa’s wage payment law in a given pay period. <u>Id.</u> at 91A.12(1). If the Commissioner serves an employer with notice that a penalty is proposed to be assessed against the employer, the employer must request a hearing within 30 days to challenge the proposal. <u>Id.</u> at 91A.12(2). If no such request is made by the employer, or if the Commissioner determines after an appropriate hearing that an employer has violated a wage payment law, the Commissioner may assess the penalty in an amount commensurate with the size of the employer’s business, the seriousness of the violation, the good faith of the employer and the employer’s history of previous violations. <u>Id.</u> at 91A.12(3). An employer may seek judicial review of a penalty assessment by the Commissioner within 30 days after the receiving notice that the penalty has been assessed. Iowa Code § 91A.12(4). Once the time for seeking judicial review has passed or after all judicial review has been exhausted and the assessment has been upheld, the Commissioner is instructed to request that the Attorney General recover the penalties in a civil action. <u>Id.</u> at 91A.12(5).
Kansas	The Secretary of Human Resources has the authority to enter and inspect a place of business upon

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	receipt of a written complaint that an employer has violated the minimum wage laws, and can inspect records and question employees. Kan. Stat. Ann. § 44-1206. The Secretary of Labor can enter and inspect businesses to investigate whether an employer has violated the wage payment laws, and can hold hearings, administer oaths, examine witnesses, issue subpoenas, and take depositions and affidavits. <u>Id.</u> §§ 44-322(a)-(c). An employee may initiate an action for unpaid minimum wages or overtime or can assign the claim to the Secretary of the Department of Labor. Kan. Stat. Ann. §§ 44-1211(a)-(b). An employer who violates the minimum wage laws shall receive a fine of \$250-\$1,000. <u>Id.</u> § 44-1210(a). The court may allow costs and reasonable attorneys' fees for an employee who prevails in a minimum wage or overtime suit. <u>Id.</u> § 44-1211(a). An employee may also initiate claims for unpaid wages and, if the claim is less than \$10,000, can assign the claim to the Secretary of Labor. <u>Id.</u> §§ 44-324(a)-(b). An employer who willfully fails to pay an employee wages is liable for all wages due and 1% of the unpaid wages for each day, except Sunday and legal holidays, upon which the failure to pay continues after the eighth day upon which payment is required or 100% of the unpaid wages, whichever is less. Kan. Stat. Ann. § 44-315(b). At the discretion of the presiding officer of a Department of Labor hearing, interest can be assessed whether or not there was a willful violation. <u>Id.</u> § 44-323(a).
Kentucky	Every employee has a right of action against the employer to recover unpaid wages. Ken. Rev. Stat. § 337.020. An employer who does not pay the minimum wage and overtime is liable for the full amount of such wages less any amount actually paid, an additional amount in liquidated damages, and costs and reasonable attorneys' fees. <u>Id.</u> § 337.385(1). If the employer can demonstrate good faith underpayment, the court may award no or less liquidated damages. <u>Id.</u> At the written request of an employee who did not receive minimum wage or overtime, the Executive Director of the Office of Workplace Standards of the Department of Labor may take assignment of the wage claim for the employee. Ken. Rev. Stat. § 337.385(2). The Executive Director has the power to examine an employer's records and to question employees. Ken. Rev. Stat. §§ 337.320(2), 337.340. An employer who violates the timely payment of wages provisions shall be fined \$100-\$1,000 per offense. Ken. Rev. Stat. § 337.990(1). An employer who violates minimum wage and overtime laws shall be fined \$100-\$1,000 per offense. <u>Id.</u> § 337.990(7).
Louisiana	An employer who does not designate paydays under § 23:633(a) shall be fined \$25-\$250 or each day's violation. La. Rev. Stat. § 23:633(e). A second violation may also subject a person to imprisonment of at least 10 days. <u>Id.</u> An employee has the right to sue an employer for unpaid wages. La. Rev. Stat. § 23:639.
Maine	A violation of the rest break and maximum overtime laws is punishable by a \$100-\$500 fine per violation, and the Attorney General can seek to enjoin further violations. Me. Rev. Stat. Ann. tit. 26, §§ 602(1), (3). An employer violation of wage payment laws is punishable by a \$100-\$500 fine per violation. Me. Rev. Stat. Ann. tit. 26, § 626-A. An employee or the Department of Labor can bring an action for unpaid wages. <u>Id.</u> In an action to recover unpaid wages, a judgment includes the unpaid wages, a reasonable interest rate, costs and reasonable attorneys' fees, and twice the amount of unpaid wages in liquidated damages. <u>Id.</u> The Director has the authority to enter a business and inspect records. Me. Rev. Stat. Ann. tit. 26, § 665(1). An employee may bring an action to recover unpaid minimum wages. Me. Rev. Stat. Ann. § 670. An employee can recover the unpaid wages, an additional amount in liquidated damages, and costs and reasonable attorneys' fees. <u>Id.</u> An employer who violates the minimum wage and overtime laws is punishable by a \$50-\$200 fine, and the Attorney General can sue to enjoin further violations. <u>Id.</u> § 671.
Maryland	The Commissioner of the Department of Labor, Licensing, and Regulation may try to resolve wage payment issues informally by mediation, may ask the Attorney General to bring an action on behalf of the employee with the employee's written consent, or may bring an action on behalf of an employee. Md. Code Ann., Lab. & Empl. §§ 3-507(a)(1)-(3). If a court finds that an employer withheld wages not as the result of a bona fide dispute, the court may award the employee an amount not exceeding 3 times the wage, plus reasonable attorneys' fees and costs. <u>Id.</u> § 3-507(b)(1). On receipt of a wage complaint under \$3,000, the Commissioner may investigate the complaint, holding hearings, and order the employer to pay wages, with 5% interest per annum if appropriate. Md. Code Ann., Lab. & Empl. § 3-507.1. Notwithstanding any other remedies, if an employer fails to pay an employee, after 2 weeks have elapsed, the employee may bring an action to recover unpaid wages. Md. Code Ann., Lab. & Empl. § 3-

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	<p>507.2(a). If the court finds that the employer withheld the wages not as a result of a bona fide dispute, the court may award the employee an amount not exceeding 3 times the wage, and reasonable attorneys' fees and costs. <u>Id.</u> § 3-507.2(b). An employer who willfully violates the wage payment law is guilty of a misdemeanor punishable by a maximum \$1,000 fine. <u>Id.</u> §§ 3-508(a), (c)(1). The Commissioner shall enter businesses to question employees and inspect records and require each employer to attest to the truthfulness of the records. Md. Code Ann., Lab. & Empl. §§ 3-425(a)(1)-(3)(ii). If an employer pays an employee less than the wage required, the employee may bring an action to recover the difference between the wage paid and the wage required. Md. Code Ann., Lab. & Empl. § 3-427(a). On an employee's written request, the Commissioner may take assignment of the claim in trust, ask the Attorney General to bring an action on behalf of the employee, and consolidate claims against the employer. <u>Id.</u> §§ 3-427(b)(1)-(3). If the court determines that an employee is entitled to recovery, the court may allow reasonable attorneys' fees and costs. <u>Id.</u> § 3-427(d). An employer who pays less than the wage required is guilty of a misdemeanor punishable by a maximum \$1,000 fine. <u>Id.</u> § 3-428(a)(1), (c).</p>
Massachusetts	<p>In Massachusetts, enforcement of wage and hour laws is assigned to the Attorney General, who possesses the authority to enter the place of employment in order to examine and copy the employer's books relating to payment of wages, demand written statements under oath regarding wages paid and otherwise investigate and determine the amount of wages being paid by an employer. Mass. Gen. Laws Ann. Ch. 151, §3; Official Website of the Attorney General of Massachusetts, Workplace Rights, http://www.mass.gov/?pageID=cagotopic&L=2&L0=Home&L1=Workplace+Rights&sid=Cago. An employee may file a wage complaint with the Office of the Attorney General's Fair Labor and Business Practices Division. See Official Website of the Attorney General of Massachusetts, <i>File a Wage Complaint</i>, http://www.mass.gov/?pageID=cagoterminal&L=2&L0=Home&L1=Workplace+Rights&sid=Cago&b=terminalcontent&f=workplace_file_complaints&csid=Cago. An employer who willfully pays less than the prescribed overtime rate is subject to criminal and civil penalties for each week that each individual employee is paid less than the overtime rate. Mass. Gen. Laws Ann. Ch. 151, §1B. For the first willful offense, an employer may face a criminal penalty of up to \$25,000 and a year in prison, and for subsequent willful offenses, fines up to \$50,000 and two years in prison. Mass. Gen. Laws Ann. Ch. 149, §27(C)(a)(1). For an inadvertent violation of the overtime law, an employer may be subject to a criminal fine of up to \$10,000 and six months in prison for the first offense, and for subsequent offenses, a fine of up to \$25,000 and a year in prison. Alternatively, the Attorney General may issue a written warning or citation requiring that the employer correct the violation, that restitution be made to the employee, or that a civil penalty of not more than \$25,000 for each violation be paid to the commonwealth. Mass. Gen. Laws Ann. Ch. 149, §27C(b)(1). The maximum civil penalty that may be imposed on an employer who has not previously received a citation or been criminally convicted for violating the overtime law is \$15,000 for willful violations, and \$7,500 for inadvertent violations. Mass. Gen. Laws Ann. Ch. 149, §27C(b)(2). An employer may appeal a citation or order by filing a notice of appeal with the Attorney General and the division of administrative law appeals within 10 days of receiving the order. <u>Id.</u> at §27C(b)(4). A decision by the Division of Administrative Law Appeals may be appealed in Massachusetts Superior Court. <u>Id.</u> Employees may bring a civil action for the full amount of the difference between the minimum wages owed and the amount paid by the employer, plus treble damages, litigation costs and attorney's fees. Mass. Gen. Laws Ann. Ch. 151, § 20. Alternatively, an employee may assign a wage claim to the Attorney General, who may then bring any legal action required to pursue the claim. <u>Id.</u> The statute of limitations on any cause of action based on a wage claim is two years from the date of accrual of the cause of action. Mass. Gen. Laws Ann. Ch 151, § 20A.</p>
Michigan	<p>The Director of the Department of Energy, Labor and Economic Growth has the authority to enforce the minimum wage laws, and at the request of the Wage Deviation Board, may investigate the wages of an employer's employees. Mich. Comp. Laws § 408.392. The Director has the authority to inspect records. <u>Id.</u> § 408.391. There is a 3-year statute of limitations for suits for unpaid minimum wages. Mich. Comp. Laws § 408.393(1). An employee can bring a civil action for unpaid minimum wages, an equal amount as liquidated damages, and costs and reasonable attorneys' fees. <u>Id.</u> § 408.393(1)(a). An</p>

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	employee can also file a claim with the Commissioner, who can bring a civil action on behalf of the employee. <u>Id.</u> §§ 408.393(1)(b)-(2). An employer who does not pay the minimum wage is also subject to a maximum \$1,000 fine. <u>Id.</u> § 408.393(3). An employee has 12 months to file a complaint with the Department for employer violations of the wage payment laws. Mich. Comp. Laws § 408.481(1). The Director can administer oaths, subpoena witnesses, compel attendance, take evidence, and require the production of records. <u>Id.</u> § 408.481(5). The Director shall appoint hearing officers to make determinations in wage payment disputes. <u>Id.</u> § 408.481(7). An employer who fails to pay wages due is guilty of a misdemeanor. <u>Id.</u> § 408.484. An employer who, with intent to defraud, fails to pay wages due, is guilty of a misdemeanor punishable by a maximum \$1,000 fine, a maximum 1-year imprisonment, or both. <u>Id.</u> § 408.485. If the Department finds that the employer violated wage payment provisions, the Department shall order an employer to pay the wages due and a penalty of 10% annually on the wages due from the time that the employer is notified that a complaint has been filed to the time that payment is made. <u>Id.</u> §§ 408.488(1)(a)-(c). The Department may order an employer who fails to pay wages due to pay exemplary damages of not more than 2 times the amount of wages due, if the violation is flagrant or repeated. <u>Id.</u> § 408.488(2). The Department may also order the employer to pay attorney, hearing, and transcript costs. <u>Id.</u> § 408.488(3). The Department may assess a maximum \$1,000 civil penalty against an employer that fails to pay wages due. <u>Id.</u> § 408.488(4). The Department can initiate a suit to enforce final agency actions. <u>Id.</u> § 408.489.
Minnesota	The Commissioner of the Department of Labor and Industry has the authority to investigate wage claims, enter a workplace, examine books and records, and question employees. Minn. Stat. § 177.27(1). The Commissioner may order an employer to comply with minimum wage and wage payment laws, and may bring a civil action to enforce compliance orders. <u>Id.</u> §§ 177.27(4)-(5). An employer who fails to pay minimum wage or overtime is guilty of a misdemeanor. <u>Id.</u> § 177.32(7). If an employer does not pay wages when due, the Commissioner may demand payment on behalf of the employee. Minn. Stat. § 181.101. If the employer does not pay wages within 10 days of the demand, the Commissioner can charge a penalty of the employee’s average daily earnings for each day beyond the 10-day limit, not exceeding 15 days in all. <u>Id.</u> An employee also has the right to file a civil action for unpaid wages. <u>Id.</u> § 181.171(1). If an employee prevails, the employer must pay reasonable costs, disbursements, witness fees, and attorney fees. <u>Id.</u> § 181.171(3). Within the Department of Labor and Industry, the Division of Labor Standards and Apprenticeship enforces wage and hour violations. Minn. Stat. § 177.26(2).
Missouri	An employer who violates the wage payment provisions is guilty of a misdemeanor punishable by a \$50-\$500 fine per offense. Mo. Rev. Stat. § 290.080. The Director of the Department of Labor and Industrial Relations has the authority to investigate employee wages. Mo. Rev. Stat. § 290.510. An employer who hinders the Director in his enforcement of the minimum wage and overtime laws is guilty of a class C misdemeanor. <u>Id.</u> § 290.525. Failure to pay the minimum wage or overtime is a class C misdemeanor. <u>Id.</u> § 290.525(8). An employee may bring an action for underpayment of wages within 2 years after the cause of action accrues. Mo. Rev. Stat. § 290.527. An employer is liable for the amount of unpaid wages, an additional amount as liquidated damages, and costs and reasonable attorneys’ fees as may be allowed by the court. <u>Id.</u>
Montana	An employer who does not pay its employee is guilty of a misdemeanor and will be assessed a penalty of up to 110% of wages due and unpaid. Mont. Code § 39-3-206(1). An employee may recover all wages and penalties by filing a complaint within 180 days of delay or default in the payment of wages. <u>Id.</u> § 39-3-207(1). “[A]n employee may recover wages and penalties for a period of 2 years prior to the date on which the claim is filed if the employee is still employed by the employer or for a period of 2 years prior to the date of the employee’s last date of employment.” <u>Id.</u> § 39-3-207(2). Moreover, “[i]f an employer has engaged in repeated violations, an employee may recover wages and penalties for a period of 3 years from the date on which a claim is filed if the employee is still employed by the employer or for a period of 3 years prior to the date of the employee’s last date of employment.” <u>Id.</u> § 39-3-207(3). The Commissioner of labor has the power to investigate violations and institute actions for the collection of unpaid wages and for penalties. <u>Id.</u> § 39-3-209. The Commissioner and his representatives can enter and inspect places, question employees, and investigate facts. <u>Id.</u> § 39-3-210(1). In proceedings before the Commissioner, the Commissioner or and his representatives can

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	<p>administer oaths and examine witnesses, issue subpoenas, compel attendance of witnesses and the production of evidence, and take depositions and affidavits. <u>Id.</u> § 39-3-210(2). Upon written request from an employee who has claims for unpaid wages, the Commissioner shall take an assignment of the claim in trust and “may maintain any proceeding appropriate to enforce the claim, including liquidated damages pursuant to this part. With the written consent of the assignor, the Commissioner of labor may settle or adjust any claim assigned.” <u>Id.</u> § 39-3-211. When an employee sues for unpaid wages, the successful party’s judgment must include a reasonable attorneys’ fee. <u>Id.</u> § 39-3-214(1). A judgment for the employee must include all costs reasonably incurred in connection with the case, including attorneys’ fees. <u>Id.</u> § 39-3-214(2). When the Commissioner of labor brings a case, he is not required to pay court costs or fees. <u>Id.</u> § 39-3-214(3). The county attorney has power independent from that of the Commissioner of labor to prosecute civil and criminal actions for violations of §§ 39-3-201 through 217 (“Payment of Wages”). <u>Id.</u> § 39-3-215. If the Department of Labor and Industry determines that a wage claim is valid and the employer does not dispute the claim, the Department can enter a default order against the employer. <u>Id.</u> § 39-3-216(1). If the employer disputes the claim prior to the initiation of a contested case, the Department shall conduct mediation. <u>Id.</u> § 39-3-216(2). If the employer appeals the Department’s determination within 15 days after the determination is mailed, the Department shall conduct a hearing according to contested case procedures. <u>Id.</u> § 39-3-216(3). The hearing can be by telephone or videoconference. <u>Id.</u> The Department’s decision is final unless the aggrieved party requests a rehearing or initiates judicial review by filing a petition within 30 days of the mailing of the hearing officer’s decision. <u>Id.</u> § 39-3-216(4).</p>
Nebraska	<p>The Commissioner of Labor has the authority to issue subpoenas, inspect records, and gather testimony on any matter related to enforcing the Nebraska Wage and Hour Act. Neb. Rev. Stat. Ann. § 48-1206(1). An employer who does not pay the minimum wage is guilty of a Class IV misdemeanor. <u>Id.</u> § 48-1206(2). County attorneys have the duty to prosecute wage and hour violations. <u>Id.</u> § 48-1206(3). An action to recover unpaid minimum wages may be filed by an employee. <u>Id.</u> § 48-1206(5). The court shall allow costs and reasonable attorneys’ fees. <u>Id.</u> When bringing an action to recover unpaid minimum wages, an employee is not required to pay a filing fee or other court costs. <u>Id.</u> An employee may file a claim for unpaid wages which are not paid within 30 days of the regular payday. Neb. Rev. Stat. Ann. § 48-1231(1). An employee is entitled to recover the unpaid wages, the costs of the suit, and attorneys’ fees of not less than 25% of unpaid wages. <u>Id.</u> If the court finds that no reasonable dispute existed, the employee must pay the employer’s attorneys’ fees and costs. <u>Id.</u> If an employee receives a judgment for unpaid wages, the state may recover an amount equal to the judgment or 2 times the amount if the nonpayment of wages is willful. <u>Id.</u> § 48-1232.</p>

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Nevada	An employee who does not receive the minimum wage may bring a civil action within 2 years to recover the difference between the amount paid and the minimum wage. Nev. Rev. Stat. Ann. § 608.260. An employer who violates the minimum wage law is guilty of a misdemeanor. <u>Id.</u> § 608.290(1). The Labor Commissioner may impose a \$5,000 administrative penalty for each violation of the minimum wage law. <u>Id.</u> § 608.290(2). The Labor Commissioner has the power to enforce the minimum wage law. Nev. Rev. Stat. Ann. § 608.270(1)(a). The Commissioner shall provide the district attorney or Attorney General data and information concerning minimum wage violations. <u>Id.</u> § 608.270(1)(b). A district attorney who receives a complaint from the Commissioner shall prosecute each violation of the minimum wage. <u>Id.</u> § 608.270(2). If the district attorney fails to commence prosecution within 20 days of receiving the Commissioner’s information, the district attorney is guilty of a misdemeanor and must be removed from office. <u>Id.</u> When the Attorney General receives a complaint from the Labor Commissioner or an aggrieved person that a district attorney is guilty of a willful violation of § 608.270 (duty to prosecute a minimum wage violation), the Attorney General shall investigate the complaint. <u>Id.</u> § 608.280. If the Attorney General is of the opinion that the complaint is well founded, the Attorney General shall institute proceedings against the district attorney. <u>Id.</u> An employee can receive reasonable attorneys’ fees for a successful action to recover unpaid wages. Nev. Rev. Stat. Ann. § 608.140. The Labor Commissioner shall cause the wage payment, overtime, and meal and rest break provisions to be enforced. <u>Id.</u> § 608.180. Upon the Labor Commissioner’s notice, the district attorney, Deputy Labor Commissioner, Attorney General, or special counsel shall prosecute the action, depending on who has statutory authority. <u>Id.</u> §§ 608.180(1)-(4). An employer who violates wage payment, overtime, or rest and meal break laws is guilty of a misdemeanor, and the Labor Commissioner can impose a maximum administrative penalty of \$5,000 per violation. <u>Id.</u> §§ 608.195(1)-(2).
New Hampshire	An employer who pays or agrees to pay less than the minimum wage is guilty of a misdemeanor if a natural person and guilty of a felony if any other person. N.H. Rev. Stat. Ann. § 279:28(II). Each week in any day of which an employee is paid less than the minimum wage constitutes a separate offense. <u>Id.</u> An employer who refuses to allow the Commissioner of Labor entry into a place of business or refuses to furnish records is guilty of a violation if a natural person and a misdemeanor if any other person. <u>Id.</u> § 279:28(III). An employee can bring an action for unpaid minimum wages to recover the difference between the minimum wage and the wage received, as well as costs and attorneys’ fees. N.H. Rev. Stat. Ann. § 279:29. An employee may also make an assignment in trust to the Commissioner, who will then bring the claim. <u>Id.</u> The Commissioner has the power to enforce wage payment provisions and has the power to enter businesses, interview employees, issue subpoenas, compel attendance at hearings, and administer oaths. N.H. Rev. Stat. Ann. §§ 275:51(I)-(III). An employee may file a wage claim no later than 36 months from the date that the wages were due. <u>Id.</u> § 275:51(V). An employer who willfully violates the weekly wage payment law is guilty of a misdemeanor. <u>Id.</u> § 275:52. An employee may bring suit to recover unpaid wages and liquidated damages or can assign the claim in trust to the Commissioner, and can recover reasonable attorneys’ fees and costs. <u>Id.</u> §§ 275:53(I)-(III).
New Jersey	The Commissioner and Director of the Department of Labor and Workforce Development has the authority to investigate wages, enter and inspect businesses and records, question employees, and require sworn statements. N.J. Stat. Ann. §§ 34:11-4.9, -56a6(a)-(c), -58. An employee may file a wage claim in the wage collection division of the Department. <u>Id.</u> § 34:11-59. An employer who fails to pay the minimum wage or overtime is guilty of a disorderly persons offense and shall be punished by a fine of \$100-\$1,000, imprisonment for 10-90 days, or both for the first offense, and by a fine of \$500-\$1,000, imprisonment for 10-100 days, or both for subsequent violations. N.J. Stat. Ann. § 34:11-56a22. Each week, any day of which an employee is paid less than the minimum wage, constitutes a separate offense. <u>Id.</u> When the Commissioner finds that an individual has violated the wage and hour laws, the Commissioner may assess up to \$250 in administrative penalties for the first offense and up to \$500 for each subsequent violation. <u>Id.</u> An employee may file a civil action to recover unpaid minimum wages and overtime, together with costs and reasonable attorneys’ fees as may be allowed by the court. N.J. Stat. Ann. § 34:11-56a25. At an employee’s request, the Commissioner can take assignment of the wage claim in trust. <u>Id.</u> The statute of limitations for bringing an action to recover unpaid minimum wages or overtime is 2 years. <u>Id.</u> § 34:11-56a25.1. An employer who demonstrates

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	that failure to pay minimum wage and overtime was in good faith is not subject to liability or punishment. <u>Id.</u> § 34:11-56a25.2. An employer who knowingly and willfully violates the wage payment law is guilty of a disorderly persons offense punishable by a \$100-\$1,000 fine. N.J. Stat. Ann. § 34:11-4.10. Each day that the violation continues constitutes a separate offense. <u>Id.</u> For wage payment violations, the Commissioner is authorized to collect administrative penalties of up to \$250 for the first violation and up to \$500 for each subsequent violation. <u>Id.</u>
New Mexico	The Director of the New Mexico Department of Workforce Solutions has the duty to investigate wage payment violations and institute causes of action to enforce wage payment laws. N.M. Stat. Ann. § 50-4-8(A). The Director may hold hearings, inspect records, administer oaths, examine witnesses, and issue subpoenas. <u>Id.</u> §§ 50-4-8(A), -9(A)-(E). The district attorney has the duty to prosecute all cases that are referred by the Director. <u>Id.</u> § 50-4-8(B). The Director has the authority to take assignments of wage claims. <u>Id.</u> § 50-4-11. An employer who violates the wage payment law is guilty of a misdemeanor. N.M. Stat. ann. § 50-4-10(A). An employer convicted of a second or subsequent offense is guilty of a misdemeanor and shall be fined between \$250-\$1,000 for each offense. <u>Id.</u> § 50-4-10(B). An employer who violates the minimum wage act is guilty of a misdemeanor. N.M. Stat. Ann. § 50-4-26(A). The Director of the Labor Relations Division of the Department of Workforce Solutions shall enforce and prosecute minimum wage violations and may institute actions in the name of the state to prosecute violations. <u>Id.</u> § 50-4-26(B). An employer who violates the minimum wage laws is also liable to the aggrieved employee for the amount of unpaid minimum wages plus interest, 2 times the amount of unpaid wages, and court costs and reasonable attorneys' fees. <u>Id.</u> §§ 50-4-26(C), (E). An employee may institute an action to recover unpaid minimum wages and shall not be required to pay the filing fee or other court costs. <u>Id.</u> §§ 50-4-26(D)-(E). A court may also order injunctive relief against an employer who violates the minimum wage laws. <u>Id.</u> § 50-4-26(F).
New York	The Commissioner of Labor is in charge of enforcing the provisions of New York's Labor Code, but may delegate these powers and duties to the Deputy Commissioner or the head of a division of the labor department. N.Y. Lab. Law § 21, 24. The Commissioner is empowered to bring any action necessary to collect a claim on behalf of an employee paid less than the wage to which the employee is entitled under N.Y. law dictating manner and frequency of payment (article 6 of the N.Y. Labor Code). The Commissioner may assess against an employer liquidated damages of up to twenty-five percent of the amount of wages due. N.Y. Lab. Law § 198(1-a). The Commissioner or an authorized representative may investigate the wages of any person in the state, enter a place of business and inspect the records of that business pertaining to wages or hours, require employers to submit statements and reports in writing regarding the wages paid and hours worked by employees, and question employees regarding the wages paid to and hours worked by the employee. N.Y. Lab. Law §§ 660, 661. Employers who fail to pay wages of employees are subject to a civil penalty of \$500 for each such instance. N.Y. Lab. Law § 197. For the first violation, employers are also guilty of a misdemeanor and are subject to a criminal penalty of between \$500 and \$20,000 or imprisonment for up to a year. For subsequent offenses occurring within six years, an employer is guilty of a felony and is subject to a fine of between \$500 and \$20,000, imprisonment for up to one year and a day, or both. N.Y. Lab. Law § 198-a(1). A violation of the employer recordkeeping provisions is a misdemeanor and subjects an employer to a criminal penalty of between \$500 and \$5,000 and imprisonment of up to a year; if the violation is knowing and occurs within six years of a prior violation, the employer is guilty of a felony and is subject to a penalty of between \$500 and \$20,000 and/or imprisonment for up to a year plus one day. N.Y. Lab. Law § 198-a(2), (3). Payment of less than the minimum wage is a class B misdemeanor, and multiple offenses within a five-year period subject an employer to a fine of up to ten thousand dollars in addition to other penalties and fines. N.Y. Lab. Law § 662(4). In a wage claim action instituted by an employee - or by the Commissioner of Labor on behalf of the employee - in which the employee prevails, the employee is entitled to reasonable attorney's fees and, unless the employer demonstrates a good faith belief that its underpayment was in accordance with the law, liquidated damages of up to twenty-five percent of the amount of wages owed. N.Y. Lab. Law § 198(1-a). The statute of limitations for the filing of an action for underpayment of wages, benefits or wage supplements is six years. N.Y. Lab. Law §§ 198(3); 663.
North Carolina	Any employer who violates minimum wage, overtime, or wage payment laws shall be liable to the employee in the amount of unpaid wages plus interest. N.C. Code § 95-25.22(a). The employee may

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	bring an action in the General Court of Justice, or the Commissioner can bring an action at the employee's request. <u>Id.</u> §§ 95-25.22(b)-(c). The action must be brought within 2 years. <u>Id.</u> § 95-25.22(f). If the Commissioner brings the action, he must first exhaust administrative remedies, including giving the employer notice and opportunity to be heard. <u>Id.</u> § 95-25.22(g). The court shall also award liquidated damages equal to the amount of wages due. <u>Id.</u> § 95-25.22(a1). However, if the employer's omission was in good faith, the court can award less or no liquidated damages. <u>Id.</u> The court may order the employer to pay the employee's costs, fees, and reasonable attorneys' fees. <u>Id.</u> §§ 95-25.22(d). In an action by the Commissioner in which a default judgment is entered, attorneys' fees shall be \$300. <u>Id.</u> If the court determines that the action was frivolous, the court may order the plaintiff employee to pay attorneys' fees. <u>Id.</u> The Commissioner of labor enforces and administers wages and hours laws. N.C. Code § 95-25.16(a). The Commissioners and his representatives are authorized to initiate civil and criminal proceedings to enforce such provisions. <u>Id.</u> The Commissioner and his representatives can enter and inspect places, question employees, and investigate facts. <u>Id.</u> § 95-25.15(a). The Commissioner or and his representatives have the power to administer oaths and examine witnesses, issue subpoenas, compel attendance of witnesses and the production of evidence, and take depositions and affidavits. <u>Id.</u> § 95-25.16(b). The Commissioner has the power to enter into reciprocal agreements with the labor department of other states for the collection of wage claims. <u>Id.</u> § 95-25.16(c). North Carolina statutory law establishes a Wage and Hour Division through which the Labor Commissioner enforces the state's wage and hour laws. N.C. Code § 95-25.17. The department of labor does not take wage payment complaints of \$50 or less and the complaint cannot be filed until 10 days after the payday. North Carolina Department of Labor, Wage and Hour Bureau, http://www.nclabor.com/wh/wh.htm .
North Dakota	The Commissioner has the power to investigate the wages of employees in different occupations, inspect and examine books and records, and require from any employer or employee a true statement of wages paid. N.D. Cent. Code §§ 34-06-02(1)-(3). The Commissioner may hold public hearings to investigate the minimum wage and can compel attendance. <u>Id.</u> § 34-06-08. An employer who violates the state minimum wage law is guilty of a class B misdemeanor. N.D. Cent. Code § 34-06-19. The Commissioner's duty is to ensure compliance with the wage collection law, to investigate violations of such laws, and to institute actions for penalties for violating such laws. N.D. Cent. Code § 34-14-05. The Commissioner may hold hearings on the merits of a wage collection claim and cooperate with the employee whenever the Commissioner believes that the claim is valid. <u>Id.</u> An employee may file a wage collection or minimum wage claim with the Department of Labor within 2 years from the date that the wages are due. N.D. Cent. Code § 34-14-09. The Commissioner has the power to take assignments of wage claims and has the power to prosecute actions for collections. <u>Id.</u> §§ 34-14-08-09. In addition to unpaid wages, an employee is entitled to recover interest on the unpaid wages. <u>Id.</u> § 34-14-09.1(1). The employee is also entitled to recover double the employee's unpaid wages if within 1 year preceding the date that the wages are due, the employer has been found liable for 2 previous wage claims. <u>Id.</u> § 34-14-09.1(2)(a). The employee is entitled to 3 times the unpaid wages if within 1 year preceding the date that the wages are due, the employer has been found liable for 3 or more wage claims. <u>Id.</u> § 34-14-09.1(2)(b). An employer who willfully refuses to pay wages due or falsely denies the amount due is guilty of an infraction. N.D. Cent. Code § 34-14-07. An employee who falsifies the amount due or willfully attempts to defraud the employer is guilty of an infraction. <u>Id.</u>
Ohio	The Director of Commerce may enter businesses, inspect records, question employees, and issue subpoenas. Ohio Rev. Code Ann. §§ 4111.04(B)-(C). An employee, or any other person acting on behalf of an employee, may file a complaint with the state for minimum wage violations, which will be promptly investigated and resolved by the state. Ohio Const. Art. II, § 34a. The state, on its own initiative, may investigate an employer's compliance with the minimum wage. <u>Id.</u> An employee or the Attorney General may bring an action for equitable and monetary relief against an employer who violates the minimum wage within 3 years of the violation or cessation of a continuing violation, or within 1 year after notification to the employee of final disposition by the state of a complaint for the same violation, whichever is later. <u>Id.</u> There is no exhaustion requirement. <u>Id.</u> An employer who violates the minimum wage law is liable for damages, back pay, and costs and reasonable attorneys' fees. <u>Id.</u> Damages will be 2 times the amount of back wages. <u>Id.</u> An employer who does not pay

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	overtime is liable for the full overtime rate, less any amount actually paid, and for costs and reasonable attorneys' fees. Ohio Rev. Code Ann. § 4111.10(A). Upon an employee's written request, the Director of Commerce may take an assignment of the wage claim in trust and may bring any legal action necessary to collect the claim. <u>Id.</u> § 4111.10(B). When wages remain unpaid for 30 days beyond the regularly scheduled payday and the wage claim is undisputed, an employer is liable for the unpaid wages plus liquidated damages equal to 6% of the amount of the claim or \$200, whichever is greater. Ohio Rev. Code Ann. § 4113.15(B).
Oklahoma	If an employer violates the wage collection law on 2 or more occasions within a 6-month period, the Commissioner of Labor may issue an administrative fine of \$500. Okla. Stat. Ann. tit. 40 § 165.2a. When a civil wage collection claim may be brought, the Commissioner has authority to enforce the law and may seek collection of the claim through an administrative proceeding. <u>Id.</u> § 165.7(A). An employer who violates the wage collection laws is guilty of a misdemeanor. <u>Id.</u> § 165.8. An employee may bring an action to recover unpaid wages. <u>Id.</u> § 165.9(A). The court may allow the prevailing party to collect costs or fees and reasonable attorneys' fees. <u>Id.</u> § 165.9(B). The Commissioner is empowered to investigate minimum wage complaints, administer oaths, require sworn statements, and issue subpoenas. Okla. Stat. Ann. tit. 40 § 197.7. If the Commissioner finds that wages are due, he shall assess a 10% penalty. <u>Id.</u> § 197.8. An employer who is found liable by a court for unpaid minimum wages shall pay double the amount of wages owed, court costs, and reasonable attorneys' fees as may be allowed by the court (which in no case shall be less than \$100). <u>Id.</u> § 197.9. At the request of an employee, the Commissioner, represented by the Attorney General, may take assignment of wage claims. <u>Id.</u> § 197.10. An employer who fails to pay minimum wage is guilty of a misdemeanor punishable by a fine of not more than \$500, not more than 6 months' imprisonment, or both. <u>Id.</u> § 197.13.
Oregon	If an employee prevails on a wage collection or minimum wage claim, he or she shall receive a reasonable attorney's fee. Or. Rev. Stat. §§ 652.200(2), 653.055(4). An employer who willfully fails to pay wages or minimum wages will receive a penalty. See Or. Rev. Stat. § 652.165 and § 653.055 (adopting §§ 652.140-60 as penalties for nonpayment of wages or of minimum wages). The penalty equals the employee's hourly wage for eight hours per day from the date due until the wages are paid or an action is commenced, but the penalty shall not continue for more than 30 days from the due date. <u>Id.</u> § 652.150(1)(a). The penalty may not exceed 100% of the employee's unpaid wages unless the employee or a person acting on his behalf sends written notice of nonpayment to the employer and the employer fails to pay the full amount of unpaid wages or compensation within 12 days after receiving notice. <u>Id.</u> § 652.150(2). The Commissioner of Labor and Industries shall investigate wage claims, take assignments of wage claims in trust, make complaints to criminal court for certain violations of wage payment law, and provide administrative proceedings to determine the validity of and enforce wage claims. Or. Rev. Stat. §§ 652.330(1)(a)-(d). The Commissioner may investigate wages and require sworn statements from the employer regarding the minimum wage. Or. Rev. Stat. §§ 652.040(1)-(2). The Commissioner may assess a \$1,000 civil penalty against an employer for minimum wage violations. <u>Id.</u> § 653.256(1). An employer who violates the minimum wage law is guilty of a misdemeanor. <u>Id.</u> § 653.991.
Pennsylvania	An employer who fails to pay wages semimonthly is guilty of a misdemeanor punishable by a maximum \$100 fine. Pa. Stat. Ann. tit. 43 § 252. The Pennsylvania Secretary of Labor and Industry has a duty to enforce and administer the wage collection act and to institute prosecutions. <u>Id.</u> § 260.8. The Secretary has the power to inspect an employer's records and interrogate employees. <u>Id.</u> There is a 3-year statute of limitations for bringing suits to recover unpaid wages. <u>Id.</u> § 260.9(g). An aggrieved employee may institute an action to recover unpaid wages. <u>Id.</u> § 260.9a(a). Upon an employee's request, the Secretary may take an assignment of the wage claim. <u>Id.</u> § 260.9a(e). The Secretary shall notify the employer of the claim, and if the employer fails to pay the claim or explain himself within 10 days of receipt of the Secretary's notification, the employer is liable for a penalty of 10% of the portion of the amount owed. <u>Id.</u> § 260.9(c). The court shall award the prevailing plaintiff costs and reasonable attorneys' fees. <u>Id.</u> § 260.9(f). An employer must pay liquidated damages of 25% of the total amount of wages due or \$500, whichever is greater, if the employer has no good faith counterclaim and wages remain unpaid for 30 days after the payday or shortages in wage payments exceed 5% of gross wages payable on any 2

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	regularly scheduled paydays in the same calendar quarter. <u>Id.</u> § 260.10. An employer who violates the wage collection act is guilty of a summary offense punishable by a maximum \$300 fine, a maximum 90 days' imprisonment, or both. <u>Id.</u> § 260.11a(b). When the employer is a corporation, the president, secretary, treasurer, or other officers exercising similar functions shall each be guilty of a summary offense. <u>Id.</u> § 260.11a(c). The Secretary has the authority to investigate an employee's minimum wages, enter and inspect businesses and their records, require statements in writing from the employer, and question employers. Pa. Stat. Ann. tit. 43 § 333.107(a). An employer who fails to pay minimum wages shall be fined \$75-\$300, imprisoned for 10-60 days, or both. <u>Id.</u> § 333.112(b). Each week in which an employee is not paid the minimum wage constitutes a separate offense. <u>Id.</u> An employer or officer or agent of a corporation who violates the minimum wage act shall pay a \$100-\$500 fine, and each day of failure to comply with the requirements of the minimum wage act shall constitute a separate offense. <u>Id.</u> § 333.112(c). An employee who receives less than the minimum wage may bring a civil action to recover the difference between wages paid and the minimum wage, together with costs and reasonable attorneys' fees as may be allowed by the court. <u>Id.</u> § 333.113. At the employee's request, the Secretary can take assignment of the claim. <u>Id.</u>
Rhode Island	An employer who violates the wage payment law is guilty of a misdemeanor punishable by at least \$400 per offense, imprisonment by 10-90 days, or both. R.I. Gen. Laws § 28-14-17. Each day of failure to pay wages constitutes a separate violation. <u>Id.</u> An aggrieved employee may bring a wage collection or minimum wage action for damages and injunctive relief within 1 year of the violation. <u>Id.</u> §§ 28-14-18.1(a), -18.4. In rendering judgment, the court may order reinstatement, back pay, full reinstatement of fringe benefits and seniority rights, actual damages, or any combination of remedies, and may award the employee some or all costs of litigation. <u>Id.</u> § 28-14-18.2. The Director of the Rhode Island Department of Labor and Training is authorized to enter businesses and inspect records, to administer oaths, issue subpoenas, take depositions and affidavits, and hold hearings. R.I. Gen. Laws §§ 28-12-14(1)-(7), 28-14-13, -15, -19(a). The Director has a duty to insure compliance with the wage payment and minimum wage laws and to institute actions for penalties. <u>Id.</u> §§ 28-12-13, 28-14-19(a). The Director is authorized to supervise payment of amounts due to employees, and the employer shall also pay the Director an administrative fee of 25% of any payment made to the employee for the first offense, and 50% for each subsequent offense. <u>Id.</u> § 28-14-19(b). The Director may institute any action to recover unpaid wages, including the administrative fee, with or without the aggrieved employees' consent, and may take assignment of wage claims. <u>Id.</u> § 28-14-19(c), -22. Wage claims must be filed with the Director within 3 years from the time of services rendered to the employer. <u>Id.</u> § 28-14-20(a). It is mandatory for the Attorney General to prosecute civil and criminal cases referred by the Director, and it is the Attorney General's duty to prosecute such cases that he learns of independently. <u>Id.</u> § 28-14-22. An employer who fails to pay minimum wage shall be fined \$100-\$500, imprisoned 10-90 days, or both. R.I. Gen. Laws § 28-12-17. Each week in which the employer fails to pay the minimum wage shall constitute a separate offense. <u>Id.</u> An employer who fails to pay the minimum wage is liable for the difference between the wages paid and the minimum wage and costs and reasonable attorneys' fees that may be allowed by the court. <u>Id.</u> § 28-12-19. An employee may make a written assignment of a wage claim to the Director. <u>Id.</u> § 28-12-20.
South Carolina	Upon written complaint from an employee that an employer failed to pay wages due, the Director of the South Carolina Department of Labor, Licensing, and Regulation may investigate the violation and shall endeavor to resolve the violation by informal methods of mediation and conciliation. S.C. Stat. Ann. § 41-10-70. The Director has the right to enter a business, question employers and employees, and inspect records. <u>Id.</u> § 41-10-110. Within 3 years of the violation, an employee may institute a civil action for failure to pay wages due and can recover 3 times the full amount of unpaid wages, plus costs and reasonable attorneys' fees as the court may allow. <u>Id.</u> § 41-10-80(C). An employer who fails to pay wages in the proper medium must be assessed a maximum \$100 civil penalty per violation. S.C. Stat. Ann. § 41-10-80(B).
South Dakota	An employer who violates the minimum wage law is guilty of a class 2 misdemeanor. S.D. Codified Laws § 60-11-3. A private employer who has been oppressive, fraudulent, or malicious in its refusal to pay wages due is liable for double the amount of wages. <u>Id.</u> § 60-11-7. An employer is guilty of a class 2 misdemeanor if it intentionally refuses to pay wages due or falsely denies the amount due with intent

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	to secure a discount on indebtedness or to harass. <u>Id.</u> § 60-11-15. An employee who receives less than the minimum wage is entitled to recover the full amount measured by the minimum wage and costs. S.D. Codified Laws § 60-11-4. An employee who falsifies the amount due or attempts to defraud an employer is guilty of a class 2 misdemeanor. <u>Id.</u> § 60-11-16. In an action for wages brought in small claims court but removed to magistrate court or circuit court, the court may allow a plaintiff costs and reasonable attorneys' fees. <u>Id.</u> § 60-11-24. The South Dakota Department of Labor ensures compliance with wage and hour laws, investigates violations, and institutes actions for penalties and forfeitures. S.D. Codified Laws § 60-11-17. The Department may enter businesses and inspect records and may hold hearings. <u>Id.</u> The Department may take assignments of wages claims not to exceed \$500. <u>Id.</u> § 60-11-18.
Tennessee	An employer who violates the wage payment and rest break/meal period laws is guilty of a Class B misdemeanor punishable by a \$100-\$500 fine. Tenn. Code Ann. § 50-2-103(i). An employer who willfully violates those laws is subject to a civil penalty of \$500-\$1,000 per infraction at the discretion of the Commissioner of the Tennessee Department of Labor and Workforce Development. <u>Id.</u> The Commissioner has the sole discretion to proceed civilly or criminally with regards to penalties, but an employer may not be charged civilly and criminally for the same violation. <u>Id.</u> The Department enforces the wage payment and break laws and may inspect an employer's records. Tenn. Code Ann. § 50-2-103(j).
Texas	The Commissioner of the Texas Workforce Commission has the authority to investigate wage claims, administer oaths, take depositions, and issue subpoenas. Tex. Lab. Code §§ 61.002(b)-(c)(4). An employer commits a third degree felony if the employer (1) hires an employee with the intent to avoid payment of wages and fails after demand to pay wages; or (2) intends to avoid payment of wages, intends to continue employing the employee, and fails after demand to pay wages. Tex. Lab. Code §§ 61.019(a)(1)-(d). The Attorney General may seek injunctive relief against an employer who repeatedly fails to pay wages. Tex. Lab. Code § 61.020. An employee who is not paid wages earned may file a wage claim with the Commissioner within 180 days of the violation. Tex. Lab. Code §§ 61.051(a), (c). If the employer acted in bad faith, the Commission may assess an administrative penalty against the employer in the amount of the lesser of the amount of wages due or \$1,000. <u>Id.</u> §§ 61.053(a)-(c)(2). An employer who violates the minimum wage law is liable for the amount of unpaid damages plus an equal amount in liquidated damages. Tex. Lab. Code § 62.201. An employee may bring an action to recover unpaid minimum wages within 2 years from the violation. <u>Id.</u> §§ 62.202-62.203(a). The court shall allow reasonable attorneys' fees and costs to a prevailing employee. <u>Id.</u> § 62.205.
Utah	An employee who prevails on a wage collection claim shall be entitled to reasonable attorneys' fees if the employee made a written demand to the employer for payment at least 15 days before filing suit. Utah Code Ann. § 34-27-1. The Utah Labor Commission's Division of Antidiscrimination and Labor investigates violations of wage payment laws. Utah Code Ann. §§ 34-28-9(1)(a)(i)-(iii). The Division has the authority to enter businesses and inspect records. <u>Id.</u> § 34-28-10(2). The Division may accept wage claims of \$50-\$10,000 within 1 year from the date of the violation. <u>Id.</u> §§ 34-28-9(c)-(e). The Division may assess a penalty of 5% of unpaid wages owed against an employer who fails to pay wages. <u>Id.</u> § 34-28-9(2)(a). The penalty shall be assessed daily until paid for a period not exceeding 20 days. <u>Id.</u> The Division may take assignment of wage claims and prosecute them in court. <u>Id.</u> §§ 34-28-13(1)-(2). An employer who fails to pay wages is guilty of a misdemeanor. Utah Code Ann. § 34-28-12(1). An employer who falsely denies the amount of wages owed with intent to secure any discount upon such indebtedness or with intent to harass is guilty of a misdemeanor. <u>Id.</u> § 34-28-12(2). The Division shall investigate minimum wage complaints and may enter businesses and inspect records. Utah Code Ann. §§ 34-40-202 and -203. The Division may commence administrative proceedings and impose a maximum \$500 penalty per violation of the minimum wage law. <u>Id.</u> An employer who repeatedly violates the minimum wage law is guilty of a class B misdemeanor. <u>Id.</u> § 34-40-204(1)(a). Repeated violations do not include separate violations arising from the same investigation or enforcement action. <u>Id.</u> § 34-40-204(1)(b). Upon the third violation within a 3-year period, the Commission may prosecute a criminal action. <u>Id.</u> § 34-40-204(2). An employee may bring a civil action to recover unpaid minimum wages within 2 years from the violation. Utah Code Ann. §§ 34-40-205(1), (3). The employee may receive an injunction and may recover the difference between the wages paid and the minimum wage,

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	plus interest. <u>Id.</u> § 34-40-205(2)(a). The court may award costs and attorneys' fees to the prevailing party. <u>Id.</u> § 34-40-205(2)(b).
Vermont	Upon complaint to the Vermont Department of Labor that an employee has not received wages owed, the Commissioner of Labor shall investigate the complaint, examine the employer's records, administer oaths, compel testimony, and attempt to arrange a settlement. Ver. Stat. Ann. tit. 21 §§ 342a(a), (c). If settlement fails, upon a finding based on clear and convincing evidence that the employer owes the employee wages, the Commissioner shall collect the amount due. <u>Id.</u> If the employer willfully withholds wages from the employee, the Commissioner may collect an additional amount not exceeding 2 times the amount of unpaid wages, one-half of which will be remitted to the employee. <u>Id.</u> § 342a(b). An employer who fails to pay wages due shall be fined a maximum of \$500, imprisoned for a maximum of 1 year, or both. <u>Id.</u> § 345. An employer who fails to pay wages due shall forfeit to the employee 2 times the value of wages in a civil action, and shall pay costs and reasonable attorneys' fees. <u>Id.</u> § 347. An employee who receives less than the minimum wage may bring a civil action to recover 2 times the minimum wage less any amount actually paid, together with costs and reasonable attorneys' fees. Ver. Stat. Ann. tit. 21 § 395. An employer who pays less than the minimum wage shall be fined a maximum \$100 per day that the employee is paid less than the minimum wage. <u>Id.</u> § 394(a). The Commissioner has the power to enforce the minimum wage law, conduct investigations, administer oaths, take depositions, issue subpoenas, enter and inspect businesses, inspect records, interview employees, and require statements in writing from employers. Ver. Stat. Ann. tit. 21 §§ 385(1)-(3).
Virginia	An employer who violates the minimum wage law shall be liable to the aggrieved employee in the amount of unpaid minimum wages, plus 8% interest per annum. Va. Code Ann. § 40.1-28.12. In addition, the court may award the employee reasonable attorneys' fees. <u>Id.</u> An employer who knowingly and intentionally violates the minimum wage law shall be punished by a \$10-\$200 fine. <u>Id.</u> § 40.1-28.11. An employer who fails to pay wages due is liable for all wages, plus 8% interest per annum. Va. Code Ann. § 40.1-29(G). An employer who knowingly fails to pay wages due is subject to a maximum civil penalty of \$1,000 per violation. <u>Id.</u> § 40.1-29(A)(2). The Commissioner's (of the Virginia Department of Labor and Industry) decision to issue a penalty is final. <u>Id.</u> An employer who willfully and with intent to defraud fails to pay wages is guilty of a Class 1 misdemeanor if the value of the wages earned and unpaid is less than \$10,000 and is guilty of a Class 6 felony if the value of the wages earned and unpaid is \$10,000 or more or if the conviction is a second or subsequent conviction. <u>Id.</u> § 40.1-29(E). With an employee's written consent, the Commissioner may institute proceedings on behalf of the employee to recover unpaid wages. <u>Id.</u> § 40.1-29(F).
Washington	An employer who pays less than the minimum wage is liable to the employee for the minimum wage, less any amount actually paid, and for costs and reasonable attorneys' fees. Ann. Rev. Code Wash. § 49.46.090(1). The Director of the Department of Labor and Industries may investigate wages, enter businesses and inspect records, question employees, and obtain sworn statements from employers. Ann. Rev. Code Wash. §§ 49.46.040(1), 49.46.070. At an employee's written request, the Director may take an assignment of the employee's minimum wage claim and may bring any action necessary to collect such claim. <u>Id.</u> § 49.46.090(2). An employee who prevails in an action to recover unpaid wages shall receive reasonable attorneys' fees, unless the amount of recovery is less than or equal to the amount admitted by the employer to be owed. Ann. Rev. Code Wash. § 49.48.030. The Department may take assignments of unpaid wage claims and prosecute actions for the collection of unpaid wages for employees who are financially unable to employ counsel. Ann. Rev. Code Wash. § 49.48.040(1)(c). The Director may issue subpoenas, administer oaths, examine witnesses, take verification or proof of instruments of writing, and take depositions and affidavits. <u>Id.</u> §§ 49.48.040(2)(a)-(d). An employee has 3 years from the date of the violation to file a wage complaint with the department. Ann. Rev. Code Wash. § 49.48.083(1). The Department may order an employer to pay wages owed, including 1% interest per month. <u>Id.</u> § 49.48.083(2). If the Department determines that the violation was willful, the Department may order the employer to pay a civil penalty of at least \$1,000 or 10% of the total amount of unpaid wages, whichever is greater. <u>Id.</u> § 49.48.083(3)(a). The maximum civil penalty is \$20,000. <u>Id.</u> The Department shall waive any civil penalty if the employer is not a repeat willful violator and the Director determines that the employer has paid all wages owed, including interest, within 10 days of notice of assessment. <u>Id.</u> § 49.48.083(3)(c). The Department may waive or reduce the civil penalty if

Table 16. State Wage and Hour Laws - Enforcement	
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	the Director determines that the employer paid all wages and interest owed to an employee. <u>Id.</u> § 49.48.083(3)(d).
West Virginia	The Commissioner of the Division of Labor shall enforce the minimum wage and overtime laws. W. Va. Code § 21-5C-6(a). The Commissioner may enter businesses, inspect records, and question employees. <u>Id.</u> §§ 21-5C-6(b), (f). The Commissioner may file criminal and civil complaints against any person believe to have violated the minimum wage and overtime laws. <u>Id.</u> §§ 21-5C-6(d)-(e). An employer who violates the minimum wage and overtime laws is guilty of a misdemeanor punishable by not more than \$100. <u>Id.</u> § 21-5C-7(c). An employer who pays less than the applicable wage rate is liable to the employee for unpaid wages. W. Va. Code § 21-5C-8(a). Within 2 years of the violation, the aggrieved employee or, upon the employee’s request, the Commissioner, may bring legal action to collect the unpaid wages. <u>Id.</u> §§ 21-5C-8(b), (d). The court may grant reasonable attorneys’ fees to a prevailing employee. <u>Id.</u> § 21-5C-8(c). Within the Department of Labor, the Wage and Hour Division shall carry out the Commissioner’s duties regarding the minimum wage and overtime provisions. <u>Id.</u> § 21-5C-9. An employer who does not pay wages due is liable for the amount due plus interest. W. Va. Code § 21-5-6. An employee or the Commissioner may bring an action to collect unpaid wages. <u>Id.</u> § 21-5-12(a). The court may award a prevailing plaintiff costs and reasonable attorneys’ fees. <u>Id.</u> § 21-5-12(b). The Commissioner enforces the wage collection law. W. Va. Code § 21-5-11(a). The Commissioner may enter and inspect businesses, question employees, administer oaths, examine witnesses, issue subpoenas, and take depositions and affidavits. <u>Id.</u> W. Va. Code §§ 21-5-11(a)-(b).
Wisconsin	The Department shall investigate wages. Wis. Stat. §§ 104.04-05. An employer who fails to pay a living wage violates the law, and each day during which an employer pays less than a living wage shall constitute a separate & distinct violation. <u>Id.</u> §§ 104.03, 104.11. Any person may make a complaint to the Department that wages paid are less than the living wage, and the Department shall investigate and take all proceedings necessary to enforce payment of wages. <u>Id.</u> § 104.12. An employee who does not receive wages due has a right of action against the employer for the full amount of wages due. Wis. Stat. § 109.03(5). The court may allow to the prevailing party costs and a reasonable sum for expenses. <u>Id.</u> § 109.03(6). A court may order the employer to pay the amount of wages due and increased wages of not more than 50% of the amount unpaid. <u>Id.</u> § 109.11(2)(a). The Department may receive wage claims within 2 years from the date that wages are due. <u>Id.</u> § 109.09(1). The Department may settle a wage claim for a sum agreed upon between the Department, employer, and employee. <u>Id.</u> § 109.11(1)(a). The Department may also refer the action to the district attorney for prosecution and collection. <u>Id.</u> § 109.09(1). In a wage claim commenced after the Department has attempted to settle, the court may order the employer to pay the employee the amount of wages due and increased penalties of not more than 100% of the wages due. <u>Id.</u> § 109.11(2)(b). An employer who fails to pay wages due or falsely denies the amount owed with intent to secure a discount upon such indebtedness or with intent to harass may be fined a maximum \$500, imprisoned for a maximum of 90 days, or both. <u>Id.</u> § 109.11(3).
Wyoming	An employer who fails to pay semimonthly wages is guilty of a misdemeanor punishable by a maximum \$750 fine, a maximum 6 months’ imprisonment, or both. Wyo. Stat. § 27-4-103. An employer who violates the minimum wage is liable in a civil action to the employee in the amount of unpaid minimum wages, together with reasonable attorneys’ fees and costs. Wyo. Stat. § 27-4-204(a). The Wyoming Department of Employment is empowered to take claims for unpaid wages for claims not exceeding \$500 or 2 months’ wages, whichever is greater, per employee per wage claim. Wyo. Stat. § 27-4-502. Upon receipt of a written claim for unpaid wages, the Department shall investigate the claim and conduct hearings. <u>Id.</u> §§ 27-4-504(a)-(b). The Department, with the county attorney’s assistance, shall initiate legal proceedings to collect unpaid wages. <u>Id.</u> § 27-4-504(c). An employer who fails to comply with the Department’s order is punishable by a maximum \$200 civil fine per day that the employer fails to comply with the order. <u>Id.</u> § 24-7-504(d).