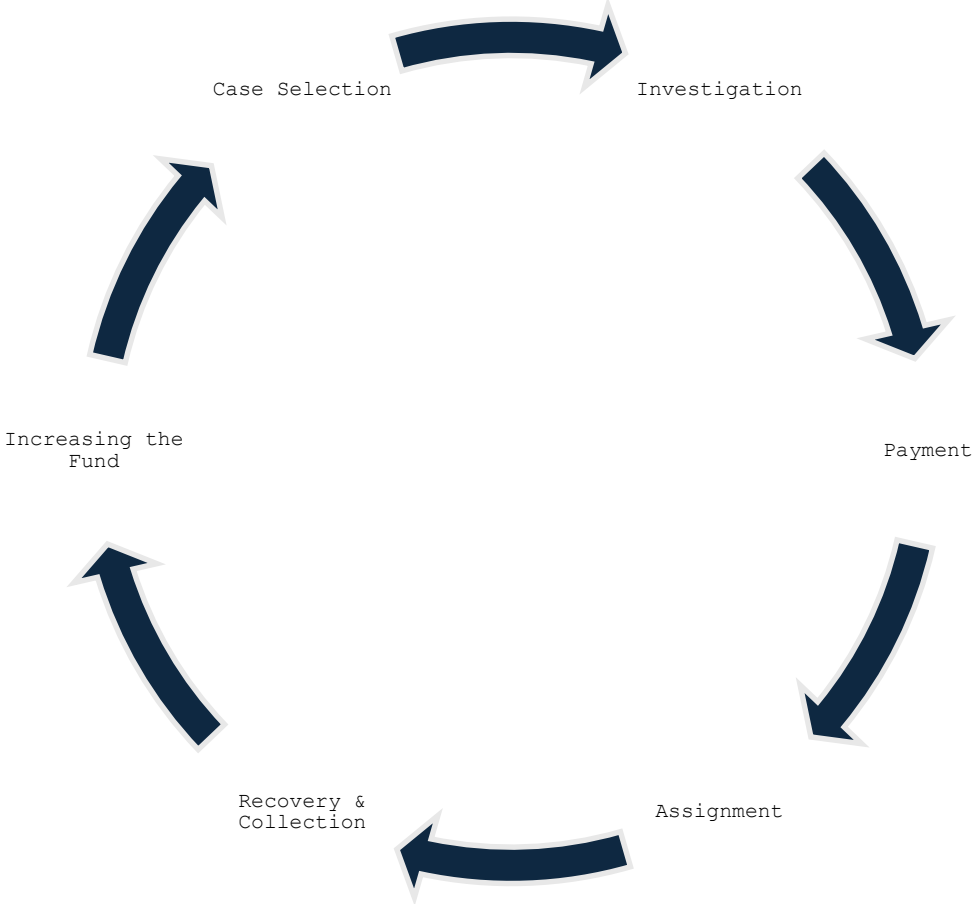


Wage Recovery Fund

Wage Recovery Fund



Ingredient - Things Needed to Establish a WRF

- Ability to Take Assignment & Criteria
- A Fund to pay out and deposit into
- Ability to Pay the Worker Before Collecting from the Employer

Assignment & Criteria

- Washington: limited to lower income workers.

The Department of Labor and Industries may . . .
Take assignments of wage claims and prosecute actions for the collection of wages of persons who are financially unable to employ counsel when in the judgment of the director of the department the claims are valid and enforceable in the courts.

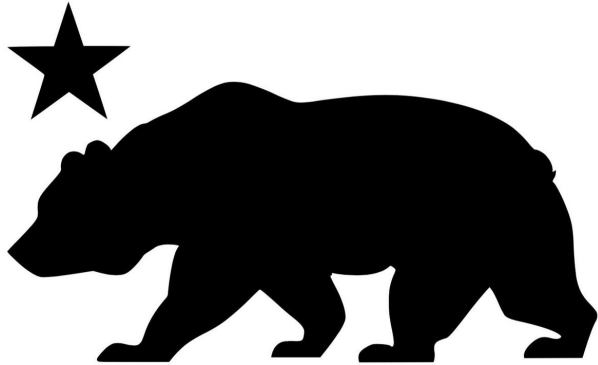
Assignment & Criteria – Other States

- **Most States:** Purely discretionary with Dept.
- **Kansas:** Mandatory assignment for claims under \$10k
- **Nevada:** After “due inquiry”, where the EE “financially unable to retain counsel” Labor Commissioner can take assignment.
- **Alaska:** Mandatory assignment part of the claims filing process.

Funds – Other State Examples

- **Kansas:** Wage Claims Assignment Fee Fund
(attorneys fees, costs, as well as fee recovery in assigned claims)
- **Hawai'i:** Wage Claim Fund. Department takes assignment, litigates, deposits all recovery (wages, interest, penalties, fees) into fund and then disperses to worker.
- **Colorado:** Wage Theft Fund (penalties).
- **Illinois:** Wage Theft Enforcement Fund (penalties).

Paying Worker Before Collecting From ER



California: Industry Focus:

- Garment Workers,
- Car Wash Workers, and
- Farm Labor Contractor Workers.

Payment Made Post Judgment or Admin
Order

Maine

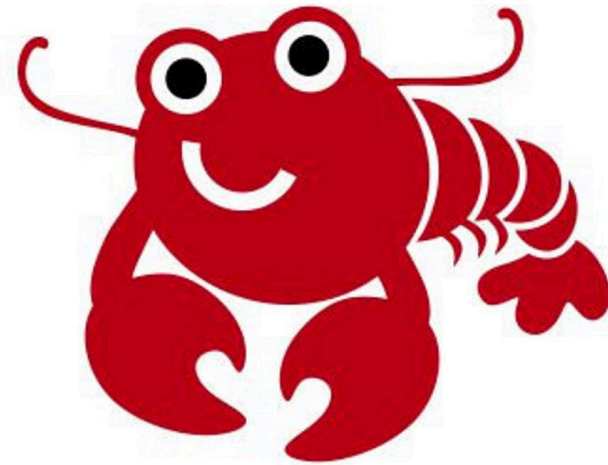
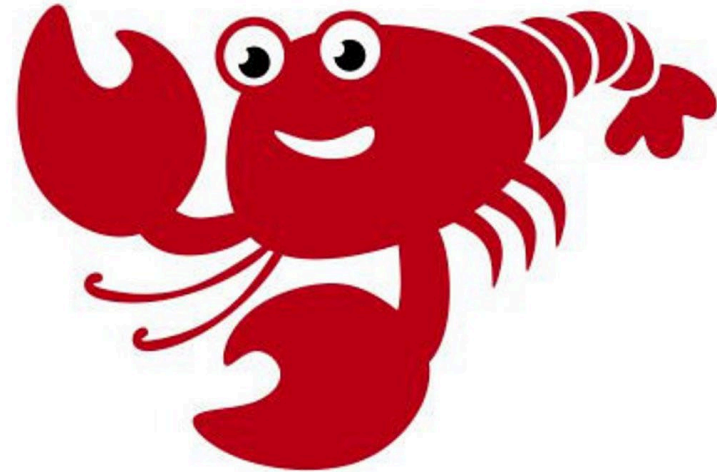
Wage Assurance Fund.

\$200,000 allocation

Pays workers claims where the wages are otherwise unrecoverable.

Maximum two weeks of pay

Agency subrogated to claim and able to take assignment.





Oregon

- Wage Security Fund.
- \$200,000 Allocation
- Pays an employee's meritorious claim for wages where the employer has ceased doing business and lacks the assets to pay the wages owed to the employee.
- Limit of \$10,000 or limit of fund
- The agency is authorized to bring an action for the amount of the payment, and the agency can recover an additional 25 percent to be returned to the agency or the fund

Excerpts FY 23 Workplace Right Report

Closed Investigations in FY 2023	
▪ Wage Claims	5,423
▪ Other Non-Wage Claims	1,520

Wage Complaints Closed by Reason in FY 2023				
Closing Reason	Number of Closed Complaints	Percentage Closed	Assessed	Collected
Not Accepted	2,774	40%	N/A	N/A
Withdrawn by Employee	825	12%	N/A	N/A
Non-Wage Resolved by Agent	913	13%	N/A	N/A
Determination of Compliance	304	4%	N/A	N/A
Notice of Assessment	403	6%	\$789,693	\$0
Other	1,725	25%	\$2,966,306	\$2,930,642
Total Closed	6,943*	100	\$3,755,999	\$2,930,642

* Includes 5,435 closed wage claims and 1,520 closed Other Non-Wage Claims as noted on pg. 6.

Excerpts FY 23 Workplace Right Report

Wage Complaints by Allegation: Received FY 2019 - FY 2023						
Fiscal Year	Minimum Wage	Overtime	Agreed Wages	Wage Claims PSL	Wages Owed	Other
2019	475	1,157	1,722	824	N/A	N/A
2020	402	1,103	1,582	768	N/A	N/A
2021	268	673	978	567	15	20
2022	337	1,086	1,440	597	171	68
2023	499	1,191	1,936	217	90	1,490

Excerpts FY 23 Workplace Right Report

Wage Complaints Completed by Number of Days in FY 2023	
Number of Days to Resolve	Percentage of Complaints
Less than 60	81%
Less than 90	91%
Less than 120	97%
Less than 180	99%
More than 180	1%

Excerpts FY 23 Workplace Right Report

Penalties Issued in FY 2023	
Wage Payment Act	130
Youth Employment	86
Farm Labor Contracts	6
Equal Pay	0
Protected Leave	1
Health Care Facility Overtime	0
TOTAL	223

Penalties Assessed in FY 2023	
Wage Payment Act	\$185,429
Youth Employment	\$1,080,950
Farm Labor Contracts	\$17,250
Equal Pay	\$0
Protected Leave	\$500
Health Care Facility Overtime	\$0
TOTAL	\$1,284,129