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Press Release

Worker Advocates, Faith Leaders and Community Organizers Join Rep. Jose Javier Rodriguez to Speak Out on Wage Theft

Recovering stolen wages is nearly impossible.
Now the Legislature is considering bills that will make it even harder.

(Tallahassee) – On April 16, 2013 advocates for workers, faith based leaders and members of the community joined Representative Jose Javier Rodriguez in a press conference to urge the legislature to vote down HB 1125 and SB 1216. These bills will preempt local governments from passing ordinances designed to help victims of wage theft recover their lost wages. Furthermore, the bills create new impediments for workers who attempt to recover their lost wages through the county courts.

Wage theft is a serious and growing problem in Florida. Wage theft occurs anytime a business or contractor refuses to pay agreed upon wages to an employee, whether that refusal is in the form of an outright denial of payment, underpayment of the agreed upon amount or a violation of wage and hour laws when it comes to overtime of the minimum wage. The U.S. Department of Labor (DOL) has identified **Florida as one of the worst states when it comes to wage theft**, recording over **9,000 cases totaling over \$28 million** in lost wages in a period between 2008 and 2011. A comprehensive study by the Research Institute on Social and Economic Policy at Florida International University indicates that this is the tip of the iceberg and that actual cases could be as high as **300% more**.

Wage theft is a federal crime so when it occurs the victim's only recourse has been to appeal to the Wage and Hour Division (WHD) of the DOL. Unfortunately, that means the worker becomes one of millions in a system that is struggling due to lack of resources. Nationally, there is one Wage and Hour Division investigator for every 146,000 workers. **In Florida, there are 1.2 million workers for every WHD investigator, over eight times the national average.** Workers may also pursue their claims in the county courts, which are also overburdened, underfunded and the process is time consuming and confusing. This problem is compounded by the fact that Florida eliminated its Department of Labor under the Bush Administration.

Local governments have been pursuing local solutions that establish local ordinances making wage theft a crime and establish forums through which workers can recover their wages through either mediation or administrative processes. Miami-Dade and Broward have such ordinances already on the books and Alachua County will be holding a vote on their own ordinance, Tuesday, April 16. Over the past two legislative sessions, the Florida Retail Federation and other big business associations have pushed legislation that would make it illegal for local governments to enact ordinances against wage theft. After two years of narrow defeats at the Capitol and in the courts, they are trying again in 2013. SB 1216 and HB 1125 would not only preempt local governments from enacting such ordinances but place new restrictions on the ways in which victims can file claims in their local courts.

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These bills place new restrictions on civil cases brought by the victims of this crime. Specifically the bills:

- Force victims to file a notice of intent with their employers before they can proceed. In many cases, employers are nowhere to be found and if notice is successfully given there are no protections for workers against retaliation
- There is a preponderance of evidence standard that is much higher than many other civil cases
- Judges will not be able to award non-economic or punitive damages
- Workers are denied attorney's fees if they prevail in their claim
- Workers are denied the right to have their case heard in Circuit Court
- The statute of limitations is reduced from 4 years for an oral contract / 5 years for a written contract to 1 year in all cases

Representative Jose Javier Rodriguez, an attorney and author of the wildly successful ordinance in Miami-Dade County spoke to the harmful nature of the bills, "Provisions of this bill go far beyond pre-emption. They roll back existing rights that employees have by trying to rewrite laws that have been on the books for generations meant to ensure that when you work, you get paid."

Jeremiah Tattersall, the Lead Organizer with the Alachua County Wage Theft Task Force, the group that worked with the Board of County Commissioners of Alachua County to craft their own wage theft ordinance (expected to pass later in the same day) was also at the press conference. He said, "I have been working with people in our community who did what they were supposed to do. They showed up for work, did their job and were then denied the fruits of their labor. There is nothing more disheartening for a worker to first be denied their wages and then find out that there is nothing they can do about it. That is why our community has banded together to pass a wage theft ordinance and why we know that these bills are wrong for working families." Tattersall then shared some testimony from workers in his community who have been victimized by wage theft.

A broad coalition of faith based organizations and churches have been mobilizing against these bills across the state. Michael Sheedy, the Director of Public Policy for the Florida Conference of Catholic Bishops said, "We must not lose sight of the plight of workers and families. Families – not businesses – are the foundation of our society. As goes the family, so goes society. The workers primarily affected by this legislation are typically lower wage earners who are struggling to survive – often barely subsisting – as they seek to support themselves and their families. We are concerned that although these bills have improved as they have worked through the legislative process, they still leave workers incrementally worse off than is the case under current law. For this reason, we stand with Representative Rodriguez and those gathered today to call attention to concerns with this legislation." Jabari Paul, A Minister with the Philadelphia Primitive Baptist Church said, "In every major faith tradition, stealing is wrong. These bills offer protections for those who would steal either through an act of commission or omission. We need to protect working families and enact real policies that protect them from theft. This legislation is wrong."

HB 1125 was scheduled to be heard in the House Judiciary Committee following the press conference.