

**Employment Standards Activity
2011 Report to the Legislature
Pursuant to RCW 49.12.180**

December 2011

“Keep Washington Safe and Working”

Introduction

Pursuant to RCW 49.12.180, the Department of Labor and Industries (L&I) submits this annual report to the Legislature on investigations and proceedings related to worker wages, child labor, and protected leave.

Brief Summary

L&I's Employment Standards Program provides a variety of services to the citizens of our state, some of which include investigations and determinations of:

- Wage violations
- Protected leave law violations
- Child labor law violations

Background

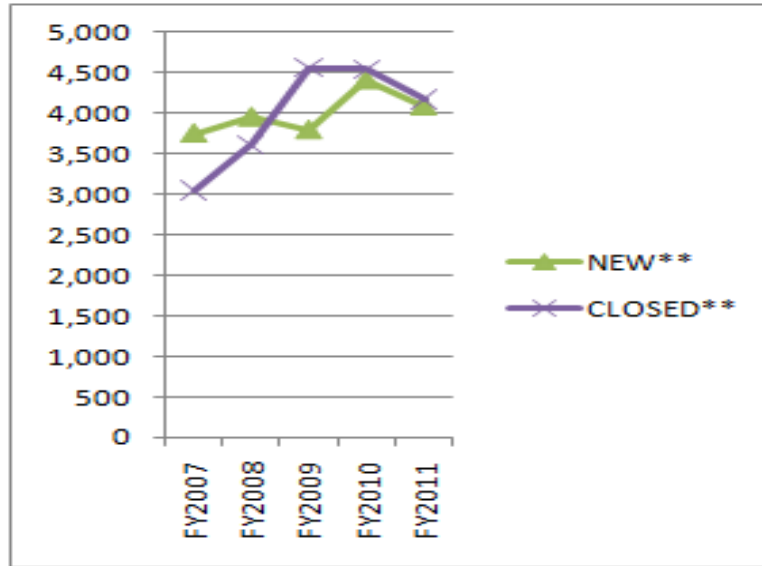
The public, media, and Legislature continue to pay significant attention to Employment Standards issues relating to wages, protected leave, and child labor. The exploitation of workers has made the news several times this past year. Over the past few years, significant changes to the law have been made in order to promote enhanced protection for workers of all ages and workers entitled to protected leave.

Wage Violations

Under the Wage Payment Act, enacted in 2006 and amended in 2010, employers are required to abide by laws concerning wage payments to workers. L&I conducts investigations and makes determinations based on wage complaints. Under the Wage Payment Act, when a worker files a complaint, L&I has 60 days to issue a decision, unless extended for good cause, and will make every reasonable effort to collect and distribute delinquent wages owed. Both workers and employers have the right to appeal L&I's decision to the Office of Administrative Hearings. The worker has the right to opt out of the administrative process and initiate private action. However, if the worker chooses to proceed with the administrative process thru L&I, they cannot pursue private action. In Fiscal Year 2011, the program:

- Investigated 4,088 worker rights complaints.
- Closed 4,168 worker rights complaints.
- Collected just over \$2 million. This is a record high collection.
- Provided free educational consultations to the public regarding wage and hour rules.
- Resolved 63% of the newly filed wage complaints within the 60-day time limit; this is a substantial improvement in decreasing investigation time from 2009, when the program first began to address and resolve a backlog issue resulting from Employment Standards program changes and implementation of the new Wage Payment Act.

**NEW AND CLOSED WAGE COMPLAINT INVESTIGATIONS
FY 2007 - 2011**



Child Labor

Child labor investigations and determinations involving the performance of prohibited employment-related duties or injuries sustained by individuals under the age of 18 are given the highest priority and are an integral part of the Employment Standards Program. L&I provides a vast network of information on our website, including how to hire a teen worker, and what employers, parents, teens, and schools need to know *prior to* hiring teen workers. Our user-friendly website provides a comprehensive listing of all prohibited duties including those that no minor can perform, those that are age-specific, and information about the appropriate and legal hours of work. In addition, L&I supplies and reviews the requisite Parent/School authorizations and Minor Work Permits.

In Fiscal Year 2011, agents conducted 452 investigations involving young workers. The program issued more than 100 variances and over 25,000 minor work permits statewide. Brochures, videos, and educational consultations are provided to the public at no charge.

	Minor Injury Investigations	Completed Under 60 Days	Minor Work Permits Issued	Minor work related variances issued
FY 2011	452	97%	25,564	115

Protected Leave

The Employment Standards Program also provides public education and enforcement of several protected leave laws. A protected leave violation may occur when an employer does not allow employees to take leave as required under the laws of the Washington Family Leave Act or the

Washington Family Care Act. The protected leave program also covers victims of domestic violence, sexual assault or stalking, military spouses, and volunteer firefighters. Washington workers in these particular situations may file a complaint with L&I.

In Fiscal Year 2011, the protected leave staff:

- Received and investigated 54 new complaints. Of those, 48 cases were closed.
- Conducted 15 educational events across the state to multiple businesses and Human Resource professionals. A total of 959 attendees participated. Feedback shows that these seminars have been consistently well received.

Technology

The Employment Standards Program is currently using existing resources to update our case management system to improve data management related to the wage complaints, protected leave complaints, and child labor investigations. The Employment Standards Program's strategic plan includes a goal to develop a system which can more easily connect our program data with other L&I systems, as well as, allow us to improve the electronic case management of worker complaints.

The Employment Standards Program is committed to sound and timely processes for investigation of labor complaints, the enforcement of protected leave, and enforcement of child labor laws. The program staff continually receive training to maintain their professional skill level and adjust practices and materials to remain in compliance with existing and amended laws. L&I continues to use outreach programs to inform and educate communities and to encourage compliance. We strive to provide timely and customer-focused services through avenues such as the public, media, and through our website by giving public access to complaint forms, policies, rules and laws.