



Washington State Department of
Labor & Industries

Wage, Protected Leave, and Child Labor Investigations

2013 Annual Report to the Legislature

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Executive Summary

As required by law,¹ the Department of Labor & Industries (L&I) submits an annual report to the Legislature on investigations and proceedings related to worker wages, child labor, and protected leave.

L&I investigates thousands of wage, leave and child labor complaints

L&I's Employment Standards program is charged with carrying out state laws that protect workers' wages and working conditions.

Each year, L&I's agents successfully investigate thousands of wage, leave, and child labor complaints. In Fiscal Year 2013, L&I increased the amount of unpaid wages returned to workers by 60%, largely because of the department's efforts to improve its internal processes and technology. Meanwhile, the department continued to make enforcement of child labor laws a top priority.

Collection of unpaid wages

Since passage of Washington's landmark Wage Payment Act in 2006, L&I has had the administrative authority to cite employers for unpaid wages. The majority of worker rights complaints filed with L&I are wage complaints submitted by individual workers for unpaid wages. Since the passage of the Wage Payment Act, L&I has collected and returned approximately \$13 million in unpaid wages to nearly 20,000 Washington workers.

In FY 2013, L&I had 16 field agents throughout the state investigating wage complaints and working with employers to return money owed to their workers. During this period, the program collected more than \$3.2 million to approximately 3,700 workers – about 40 percent of it collected from employers without issuing formal citations.

Investigations of leave and child labor complaints

The department has two specialists, one who has authority over the child labor program and one protected-leave specialist. There are also two field agents who investigate both protected leave and violations of child labor laws. Although the number of complaints in these two areas is small compared to the volume of wage complaints, they are of critical importance to L&I and

¹ RCW 49.12.180

can require a rapid staff response, especially when they are child labor complaints. Significant time commitments are needed when an investigation involves allegations of discrimination. Child labor complaints often require on-site visits to ensure the child's safety.

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. If the worker chooses to proceed with the administrative process through L&I, they cannot pursue private action.

Wage violations for FY 2013	
Number of worker rights complaints investigated	3,772
Number of worker rights complaints closed	3,740
Collected wages owed to workers	\$3.27 million

Source: Department of Labor & Industries

L&I had a record year in FY 2013, collecting **\$3.27 million** in unpaid wages, and returning the money directly to Washington's workers. This represents a 60% increase in collections over the previous fiscal year, due largely to three major improvements:

- **Better technology:** In mid-2012, the program launched a new system that made it possible for staff to directly enter citations and assessments to non-paying employers into L&I's central electronic collection and billing system. The new system replaced a cumbersome paper process that had required re-keying data and multiple program reviews. Once in place, employer payments came in faster, with fewer time-consuming errors.
- **Lean efficiencies:** After conducting an intensive Lean analysis of its routine processes, Employment Standards created new and standardized procedures for both processing and

investigating complaints. Now, field agents follow consistent guidelines for handling incoming cases and conducting investigations.

- **Additional FTEs** from L&I's Collections program: In FY 2013, Employment Standards benefitted from an additional 1.5 FTEs used to help collect unpaid wages from employers.

CHILD LABOR

One of L&I's key responsibilities is to enforce child labor laws. Depending on their age, Washington laws restrict both the *hours* they can work and the *type* of work they can do. Washington state laws spell out which jobs are prohibited for minor workers, such as forklift driving, meat slicing, working on roofs or in freezers or meat coolers.

L&I also enforces laws requiring employers to obtain a minor work permit endorsement on their State Business License when they employ workers under 18. During the school year, working hours are restricted for teens, although L&I can grant special variances for 16 and 17-year-olds with the written permission of both legal guardian and authorized school administrator.

Child Labor Information for FY 2013	
Minor injury investigations	369
Investigations completed under 60 days	89%
Minor Work Permits issued	24,936
Minor work related variances issued ²	116

Source: Department of Labor & Industries

² Minor work variances are exceptions L&I can grant to the requirements regarding hours of work for teen workers.

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 addresses the leave rights of victims of domestic violence, victims of 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 2013, the protected leave staff conducted **35** investigations and made **28** determinations. Since this program is relatively new to Employment Standards, staff continually takes the initiative to educate the public. Educational materials and consultations are available to the public.

Protected Leave Activity FY 2013	
Investigations Conducted	35
Investigations Completed	28
Educational/outreach events	10
Participants attending educational/outreach events	646

Source: Department of Labor & Industries

TECHNOLOGY

Technology was put to work for this program in three major ways:

- **Complaint Activity Tracking System (CATS):** After replacing an antiquated electronic system in 2013, L&I now has the ability to efficiently store and organize all information and case activity in one place, where it can be accessed by staff throughout the state instantly. The system is also designed to work in conjunction with the agency's collections data system (ARC).

- **Linking the Complaint Activity and Tracking System to ARC.** Connection of the case handling (CATS) and the collections data (ARC) systems has eliminated delays and redundancies.
- **Online wage complaint filing:** A pilot began in November 2013 making it possible for workers to easily and quickly file wage complaints online, rather than by mail, FAX, or a special trip to an L&I office. After implementation, L&I staff will spend less time deciphering and keying in data from handwritten forms, thus freeing up additional time to help customers with specific questions.