



Pinellas County

Legislation Details (With Text)

File #: 18-2033A **Version:** 1

Type: Ordinance **Status:** Passed

File created: 12/4/2018 **In control:** Human Rights

On agenda: 1/22/2019 **Final action:** 1/22/2019

Title: Ordinance Amending Article IV of Chapter 70 of the Pinellas County Code relating to wage theft/recovery.

Sponsors:

Indexes:

Code sections:

Attachments: 1. State-filed ORD 19-01, 2. Adopted ORD 19-01, 3. Updated clean draft ordinance, 4. Updated tracked changes draft ordinance, 5. Affidavit of Publication - Notice of Public Hearing, 6. Proposed Amendment to Ordinance, Indicating Proposed Changes ("marked-up" version), 7. CONTRACT.RVW-OHR-WAGE-21DEC18.pdf, 8. List of Employers Named in Wage Theft Complaints and Determined to have Engaged in Wage Theft after Hearing, 9. Results Obtained Under Wage Theft Recovery Ordinance, 10. Proposed Amendment to Ordinance, in Final Format ("clean" version), 11. Memorandum from Director of Human Rights

Date	Ver.	Action By	Action	Result
1/22/2019	1	Board of County Commissioners	approved as amended	Pass

Subject:

Ordinance Amending Article IV of Chapter 70 of the Pinellas County Code relating to wage theft/recovery.

Recommended Action:

Recommend the Board of County Commissioners conduct a public hearing to adopt an ordinance amendment to Article IV of Chapter 70 of the Pinellas County Code, relating to wage theft/recovery.

- Ordinance change will amend the manner in which wage theft complaints are processed; clarify when claimed wages may be trebled after a hearing before a Special Magistrate; enhance protections against retaliation in wage theft complaints; and establish an enforcement process should retaliation occur.
- Ordinance change will allow for enforcement within the City of St. Petersburg.
- Funding for the Wage Theft/Recovery Ordinance is already contained in the current budget for the Pinellas County Office of Human Rights, and this change does not result in any additional costs to the County.
- Since January 1, 2016, more than \$300,000.00 has been recovered and paid to employees as a result of this ordinance.

Strategic Plan:

Ensure Public Health, Safety, and Welfare

2.1 Provide planning, coordination, prevention, and protective services to ensure a safe and secure community.

2.4 Support programs that seek to prevent and remedy the causes of homelessness and move

individuals and families from homelessness to permanent housing.

Summary:

Adoption of the proposed ordinance amendment would address issues which have arisen in the administration of the ordinance, and includes: precluding prior equity owners from filing wage theft complaints; incentivizing compliance with orders issued by the Special Magistrate; limiting recoveries ordered when the employer has offered some or all of the wages claimed prior to hearing; and widening protections against retaliation for proceedings under Article IV of Chapter 70.

Background Information:

Article IV of Chapter 70 of the Pinellas County Code prohibits wage theft throughout Pinellas County, and vests enforcement authority with the Pinellas County Office of Human Rights. Since its effective date on January 1, 2016, over \$300,000 has been recovered and paid to employees who engaged in uncompensated work.

When the wage theft/recovery Ordinance was first adopted, the Board of County Commissioners requested the Office of Human Rights to glean improvements to the ordinance which might be gleaned through experience in its administration. These proposed amendments to Article IV of Chapter 70 represent these suggested revisions.

Fiscal Impact:

Funding for the Wage Theft/Recovery Ordinance is already contained in the current budget for the Pinellas County Office of Human Rights. No additional costs are anticipated should the proposed ordinance amendment be adopted, while the incentives to comply with orders issued by Special Magistrates after hearing may result in a *de minimis* increase in revenue in the form of administrative costs paid.

Staff Member Responsible:

Paul Valenti, Director, Office of Human Rights

Partners:

N/A

Attachments:

Memorandum from Director of Human Rights
Proposed Amendment to Ordinance, Indicating Proposed Changes (“marked-up” version)
Proposed Amendment to Ordinance, in Final Format (“clean” version)
Results Obtained Under Wage Theft/Recovery Ordinance
List of Employers Named in Wage Theft Complaints and Determined to have Engaged in Wage Theft after Hearing