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Comments

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Wage and Hour Division Enforcement in Fiscal Year 2002 at Ten-Year High

The Employment Standards Administration's Wage and Hour Division recovered more than \$175 million in back wages in fiscal year 2002 – a 33 percent increase over fiscal year 2001 and the largest amount collected in the last ten years. The number of workers receiving back wages increased over 21 percent. The agency completed 40,264 compliance actions in fiscal year 2002, a 6 percent increase over the 38,051 completed actions in fiscal year 2001. For the first time since 1992, the Wage and Hour Division also saw an increase in total enforcement hours logged by agency employees.

WHD Enforcement Statistics – All Acts	FY2001	FY2002	Change
Concluded Cases¹	38,051	40,264	5.8%
Back Wages Collected	\$131,954,657	\$175,640,492	33.1%
Employees Receiving Back Wages	216,647	263,593	21.6%
Civil Money Penalties Assessed	\$10,556,206	\$9,045,279	-14.3%
Complaints Registered	29,085	31,413	8.0%
Enforcement Hours	998,937	1,070,600	7.1%

Back Wages for Fair Labor Standards Act Violations Increased by 29%

In fiscal year 2002, the Wage and Hour Division collected almost \$143 million in back wages for violations of the Fair Labor Standards Act, an almost 29 percent increase over the \$111 million collected in FY 2001. Employees who received back wages similarly increased by almost 24 percent. FLSA cases represent about 83 percent of all cases handled by the agency in a fiscal year. This fiscal year about 70 percent of the FLSA cases had monetary violations, slightly higher than the 66 percent of monetary violation cases in fiscal year 2001.

FLSA Enforcement Statistics	FY2001	FY2002	Change
Concluded FLSA Cases	31,772	33,154	4.3%
FLSA Cases with Monetary Violations	21,001	23,111	10.0%
Back Wages Collected for FLSA Cases	\$111,102,883	\$142,979,826	28.6%

Employees Receiving Back Wages	195,257	241,568	23.7%
Civil Money Penalties Assessed	\$2,987,567	\$2,211,126	-25.9%

Back Wages for Garment, Agriculture and Health Care Employees Increased

The Wage and Hour Division continues to pursue targeted enforcement in low-wage industries with vulnerable, and often immigrant, workforces and a history of chronic violations. In fiscal year 2002, the agency set national priorities and goals in the garment, agriculture and health care industries. Although the number of concluded cases declined, the back wages collected by the agency in these industries increased substantially. The Wage and Hour Division collected almost \$6 million in back wages for garment workers in fiscal year 2002 – a 27.3 percent increase over the \$4.7 million collected in fiscal year 2001. In addition, garment workers receiving back wages in fiscal year 2002 increased by 51 percent. The back wages collected for agriculture employees increased by 30 percent, from almost \$1.7 million in fiscal year 2001 to almost \$2.2 million in fiscal year 2002. Finally, although back wages collected for health care workers increased only 3.5 percent in fiscal year 2002, the number of health care employees receiving back wages increased by 20.5 percent.

Low-Wage Industries Statistics	FY2001	FY2002	Change
Garment Manufacturing			
Concluded Cases	1,361	1,000	-26.5%
Back Wages Collected	\$4,659,127	\$5,933,609	27.3%
Employees Receiving Back Wages	5,188	7,842	51.1%
Agriculture			
Concluded Cases	2,306	2,177	-5.5%
Back Wages Collected	\$1,655,147	\$2,158,068	30.3%
Employees Receiving Back Wages	8,834	6,259	-29.1%
Health Care			
Concluded Cases	2,375	2,219	-6.5%
Back Wages Collected	\$9,870,468	\$10,219,116	3.5%
Employees Receiving Back Wages	20,219	24,380	20.5%

Child Labor Investigations Increase

In fiscal year 2002, the Wage and Hour Division also continued to pursue targeted enforcement of the child labor provisions of the Fair Labor Standards Act. As a result of these efforts, the agency increased targeted child labor investigations by 4 percent. However, the number of child labor violations found in fiscal year 2002 decreased by 8 percent from fiscal year 2001. Similarly, the number of Hazardous Occupation (HO) violations declined by 15 percent, and the number of minors found illegally employed decreased by 2 percent.

Child Labor Statistics	FY2001	FY2002	Change
Targeted Child Labor Cases	2,021	2,105	4.1%
Cases with Violations	2,103	1,936	-7.9%
Minors Employed in Violation	9,918	9,690	-2.2%
Minor Per Case	4.7	5	6.3%
Cases with HO Violations	876	748	-14.6%
Minors Employed in Violation of HOs	2,060	1,710	-16.9%
Civil Money Penalties Assessed	\$6,637,118	\$5,547,026	-16.4%
Child Labor Enforcement Time	7.4%	6.3%	-1.1%

Family and Medical Leave Act Enforcement Increased

The Wage and Hour Division found over \$3.7 million in back wages for violations of the Family and Medical Leave Act in fiscal year 2002, a 25% increase over the \$3 million found for FMLA violations in fiscal year 2001. The number of FMLA complaint investigations concluded and the number of violations found also increased in fiscal year 2002. Termination of employees seeking FMLA leave continues to be the primary reason that employees file a complaint with the agency.

FMLA Enforcement Statistics	FY2000	FY2001	FY2002
Number of Complaints	2,833	2,790	3,501
Nature of Complaint			
Refusal to Grant FMLA Leave	575	629	741

Refusal to Restore to Equivalent Position	402	360	400
Termination	1,159	1,123	1,503
Fail to Maintain Health Benefits	45	62	71
Discrimination	652	616	786
Status of Compliance Action			
No Violation Cases	1,235	1,343	1,766
Employer Not Covered	71	58	63
Employee Not Eligible	142	164	224
Complaint Not Valid	855	953	1281
Other	167	168	198
Violation Cases	1,598	1,447	1,735
Number of Employees Affected	1,668	1,627	2,077
Amount of Monetary Damages	\$2,953,462	\$2,983,936	\$3,731,929

Wage and Hour Division 2002 Regional Statistics

WHD Northeast Region

WHD Enforcement Statistics—All Acts	FY2001	FY2002	Percent Change
Concluded Cases	9,072	9,712	7.05
Back Wages Collected	\$30,428,969	\$46,524,908	52.90
Employees Receiving Back Wages	41,411	61,180	47.74
Civil Money Penalties Assessed	\$2,494,120	\$2,508,365	0.57
Complaints Registered	5,607	6,037	7.67
Enforcement Hours	268,334	279,797	4.27

WHD Southeast Region

WHD Enforcement Statistics—All Acts	FY2001	FY2002	Percent Change
Concluded Cases	9,980	10,795	8.17
Back Wages Collected	\$33,902,529	\$28,395,261	-16.24
Employees Receiving Back Wages	54,403	58,971	8.40
Civil Money Penalties Assessed	\$1,770,873	\$1,378,434	-22.16
Complaints Registered	8,921	9,915	11.14
Enforcement Hours	215,693	247,685	14.83

WHD Midwest Region

WHD Enforcement Statistics—All Acts	FY2001	FY2002	Percent Change
Concluded Cases	9,101	8,641	-5.05
Back Wages Collected	\$27,989,522	\$33,042,373	18.05
Employees Receiving Back Wages	52,277	48,790	-6.67
Civil Money Penalties Assessed	\$2,712,020	\$2,008,853	-25.93
Complaints Registered	7,087	7,035	-0.73
Enforcement Hours	173,029	185,292	7.09

WHD Southwest Region

WHD Enforcement Statistics—All Acts	FY2001	FY2002	Percent Change
Concluded Cases	5,609	6,203	10.59
Back Wages Collected	\$20,650,898	\$35,842,259	73.56
Employees Receiving Back Wages	38,809	58,552	50.87
Civil Money Penalties Assessed	\$2,457,107	\$1,691,518	-31.16
Complaints Registered	4,923	5,424	10.18
Enforcement Hours	161,237	176,050	9.19

WHD Western Region

WHD Enforcement Statistics—All Acts	FY2001	FY2002	Percent Change
Concluded Cases	4,285	4,913	14.66
Back Wages Collected	\$18,982,739	\$31,835,691	67.71
Employees Receiving Back Wages	29,747	36,100	21.36
Civil Money Penalties Assessed	\$1,122,085	\$1,458,109	29.95
Complaints Registered	2,547	3,002	17.86
Enforcement Hours	180,603	181,776	0.65

¹ Concluded cases include cases initiated as a result of a complaint and self-directed cases initiated by the agency. About 74 percent of all concluded cases in fiscal year 2002 were based on a complaint. This is slightly higher than the 69 percent in fiscal year 2001.