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## HOW WAGE THEFT HARMS PENNSYLVANIA'S WORKERS AND ECONOMY

Stephen and Sandra  
**SHELLER**

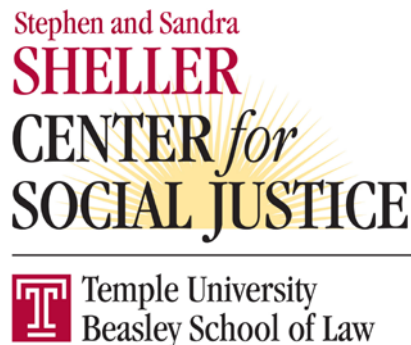
 **CENTER *for* SOCIAL JUSTICE**



Temple University Beasley School of Law

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The Social Justice Lawyering Clinic at the Stephen and Sandra Sheller Center for Social Justice is a student clinic at the Temple University Beasley School of Law. Students at the clinic learn firsthand about social justice issues that directly impact local communities, through legal representation, community education, and policy advocacy.

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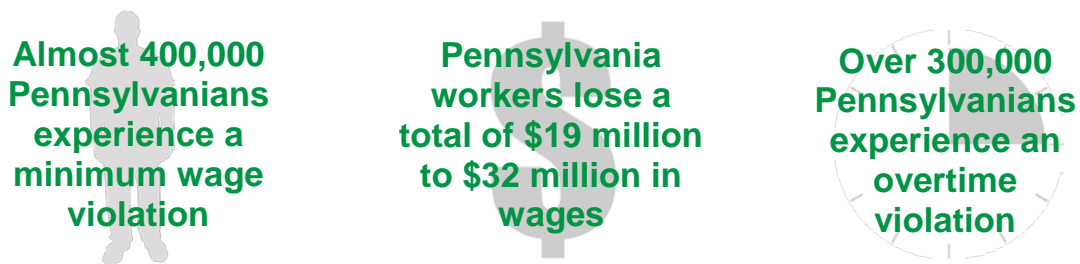
# EXECUTIVE SUMMARY

This report unmask a shocking, but exceedingly common problem facing low-wage workers in Pennsylvania. Wage theft, the illegal non-payment or under payment of wages, is a pervasive problem hurting hundreds of thousands of low-wage workers across the state each week.

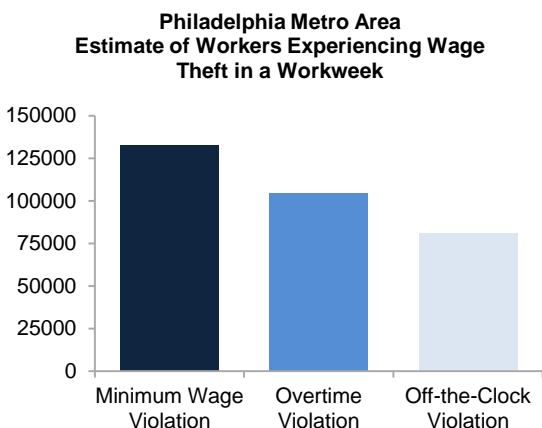
Wage theft is not insignificant or uncommon. It occurs across a broad range of industries, including construction workers, fast food workers, caregivers for children and the elderly, factory workers, restaurant staff, cashiers, and office clerks. Its victims include men and women of every race and nationality. It affects both U.S. citizens and undocumented immigrants.

Yet the problem of wage theft is generally hidden or unknown. Previously, there were no available data on the extent of wage theft throughout Pennsylvania. This report seeks to fill that void by studying the prevalence of the problem across the Commonwealth.

It is estimated that in any given workweek:



In order to study the prevalence of wage theft in Pennsylvania, we relied on a 2009 landmark investigation, *Broken Laws, Unprotected Workers*.<sup>1</sup> In *Broken Laws*, researchers surveyed thousands of workers in low-wage industries in Chicago, New York, and Los Angeles. We compiled employment statistics data from the Bureau of Labor Statistics<sup>2</sup> and then applied Pennsylvania’s employment statistics to *Broken Laws*’ national survey data. In this report, we offer not only estimates for the statewide phenomenon of wage theft but also a breakdown of the numbers by the types of jobs and regions in Pennsylvania. A more detailed discussion of our methodology can be found in Appendix A.

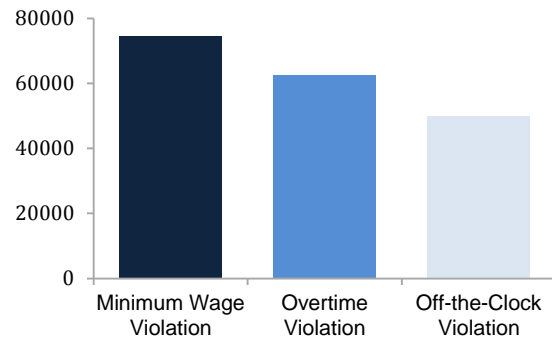


What our study reveals is that wage theft is bad for the state and its residents. The state economy suffers when employers steal from low-wage Pennsylvania workers because this money would otherwise be spent in the local economy. We estimate that such stolen wages deprive the state of tens of millions of dollars of valuable tax revenue each year. Wage theft also penalizes law-abiding businesses, who are at a competitive disadvantage compared to employers that break the law.

We interviewed attorneys, advocates, and organizers from across the state, as well as examined the few studies that were specific to Pennsylvania industries, such as *Behind the Kitchen Door*, a study assessing workplace violations in the restaurant industry in Philadelphia, and the U.S. Department of Labor study of the day care and restaurant industries in Pennsylvania.<sup>3</sup> These studies and our conversations with advocates confirm that wage theft is a pervasive problem in Pennsylvania.

This evidence of wage-theft problems in Pennsylvania is consistent with data showing that wage theft is widespread across the nation. Moreover, there is no reason to believe that Pennsylvania employers comply with wage and hour laws more than employers elsewhere, or that Pennsylvania enforces those laws more effectively than do other states. On the contrary, we obtained information from Pennsylvania’s Department of Labor and Industry (DLI) through a Right-to-Know request showing that the agency was unable to collect wages in over half of the complaints filed by workers.<sup>4</sup> Just last year, the Supreme Court of Pennsylvania approved a verdict against Wal-Mart of over \$187,000,000 for Pennsylvania workers who failed to receive wages for all the hours that they had worked.<sup>5</sup>

**Pittsburgh Metro Area  
Estimate of Workers Experiencing Wage  
Theft in a Workweek**



**“It was the worst experience of my life.”**

**-NATASHA, HOME HEALTH CARE WORKER, WHO EXPERIENCED MANY WAGE THEFT VIOLATIONS**

Unsurprisingly, the real cost of wage theft is borne by workers and their families. They lose, on average, 15% of their earnings to wage theft, which can force difficult decisions, such as whether to forego purchasing food or face the consequences of unpaid bills for housing, utilities, and health care.<sup>6</sup> We interviewed workers who were the victims of wage theft despite working hard at their jobs. Their stories offer a compelling narrative on the human costs of wage theft.

Pennsylvania can do something about wage theft. We recommend:

- Creating stronger penalties for employers who commit wage theft
- Increasing funding to DLI for enforcement of the wage and hour laws
- Working more closely with community groups to identify enforcement priorities for DLI
- Strengthening enforcement with wage liens and revocation of licenses

By making certain changes to our policies, we can begin to address the destructive practice of wage theft in Pennsylvania.



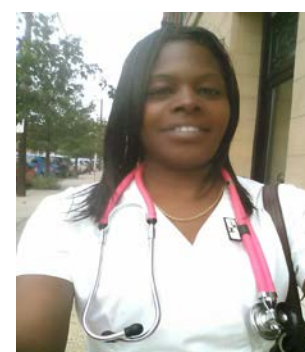
## SECTION ONE

# DESCRIBING WAGE THEFT IN PENNSYLVANIA

“I was so frustrated and I wanted to break down and cry because I couldn’t spend another week not being able to feed my children, having to choose between bread, eggs, or milk.”

-NATASHA

Natasha, a homecare worker, remembers when she realized her employer was committing wage theft on a large scale. Her job required travelling to clients’ homes to provide assistance with bathing, dressing, eating, housekeeping, and other daily tasks. Workers visited clients alone and away from the employer’s headquarters.



Natasha’s clients lived in several different Philadelphia neighborhoods, and her employer regularly refused to pay for her travel time between clients. The employer would pay Natasha less than she was owed based on her hourly rate of \$9.50, and sometimes would not pay at all, telling her she would have to wait until the next pay period.

“It was the worst experience of my life,” she says firmly, recalling her struggles to feed her family when she wasn’t paid. As a single mother, she sometimes sent her four children to her mother’s house for the weekend just to ensure they would have enough to eat. She had trouble finding babysitters on work days because she could rarely even promise to pay them.

Natasha realized that her employer intentionally avoided workers and tried to keep them from talking to one another. Workers had to travel to the employer’s headquarters to submit timesheets to a box on a supervisor’s officer door, usually after hours when the supervisor was not there. Due to the hours and locations of work, workers had a hard time meeting with supervisors to complain.

**90.4%** of home health care workers (who worked before or after their shift) suffer from off-the-clock pay violations.<sup>7</sup>

Natasha soon found out that other workers struggled with the same problems. Going back and forth to the employer’s headquarters to talk to supervisors, she saw her coworkers trying to get their money, and arguing and fighting over paychecks. She even witnessed her employer call the police on workers who came in to complain.

Soon after, Natasha became ill and went to the hospital. Despite her sterling attendance record and documented excuse, she was fired.

What happened to Natasha is happening to workers all across Pennsylvania.



## SECTION ONE

# DESCRIBING WAGE THEFT IN PENNSYLVANIA

Pennsylvania wage and hour laws guarantee workers the right to be paid the minimum wage, overtime compensation, and the wage they were promised for all hours worked.<sup>8</sup> Yet based on the findings in this report, we estimate that hundreds of thousands of Pennsylvania's low-wage workers are suffering from violations of these laws each week.

How does this happen? From our interviews with attorneys, advocates, and workers, we found that employers are adept at evading the laws. The remainder of this section will detail how employers commit wage theft and why it is so easy for employers to take advantage of their workers in Pennsylvania.

## TYPES OF WAGE THEFT

Our interviews revealed that wage theft can take many forms. Employers may, for example, refuse to pay workers, pay them less than minimum wage, or refuse to pay overtime. All of these actions are illegal under Pennsylvania wage and hour laws.

### MINIMUM WAGE VIOLATIONS

Workers must be paid the minimum wage of \$7.25 per hour under the Pennsylvania Minimum Wage Act.<sup>9</sup> Employers commit wage theft when they pay their employees below the minimum wage. There are a few occupations exempted from this law,<sup>10</sup> but for the vast majority of workers, the minimum wage rate applies regardless of whether they are employed full- or part-time, and whether they are paid by the hour, day, week, or by the piece or job.<sup>11</sup>

### OVERTIME VIOLATIONS

Most low-wage workers must be paid one and a half times their regular rate for each hour worked over 40 in a workweek.<sup>12</sup> Employers commit wage theft when they pay workers the regular hourly rate rather than an overtime rate for any hours worked over 40 in a workweek. The overtime provisions apply to workers regardless of whether they are paid by the hour, the day, or the job. A worker, for example, who earns a weekly wage of \$600 per week and works a total of 60 hours, is entitled to an overtime premium of \$100.<sup>14</sup>

*"In residential construction, workers are often paid a daily rate. But anyone working over 40 hours per week must be paid overtime. We rarely see this happen in Pennsylvania."*

*-Attorney Nadia Hewka<sup>13</sup>*



## SECTION ONE

# DESCRIBING WAGE THEFT IN PENNSYLVANIA

### ILLEGAL DEDUCTIONS

With the exception of certain authorized deductions, any additional deductions taken from a worker's check, or not properly reimbursed, are considered illegal.<sup>15</sup> Employers commit wage theft when they take money from a worker's paycheck for certain unauthorized deductions, such as gas, equipment rental, uniforms, or other supplies necessary to perform the job. Employers also cannot require workers to pay for such items out of pocket or make deductions for cash register losses, damage to employer property, or alleged theft.

### TIP VIOLATIONS

Employers commit wage theft when they take tips or portions of tips given to workers by customers.<sup>16</sup> Workers who receive tips are entitled to keep them, subject to tip-pooling or sharing among workers.<sup>17</sup>

### SHORTING OF HOURS

Employers commit wage theft when they fail to pay workers for all hours worked. Sometimes, employers simply undercount the worker's hours or otherwise fail to pay workers for hours that qualify as work time under the law, such as travel time or on-call hours. Other times, employers require workers to work for periods of time before and after their regular shifts, or before or after they have clocked in, without compensation.<sup>19</sup> This time is not recorded, and many employees are never paid for it.<sup>20</sup>

**40%** of workers surveyed in Philadelphia's restaurant industry worked off-the-clock without pay.<sup>18</sup>

### DELAYED OR MISSED PAYMENT OF WAGES

An employer can commit wage theft by failing outright to pay a worker. Often this occurs with a worker's final paycheck or when the relationship between the employer and worker is short-term. Other times, employers delay in paying wages on a timely basis. Under the Pennsylvania Wage Payment and Collection Law (WPCL), employers must pay wages on regular paydays or within a standard time period customary in the industry.<sup>21</sup>

## HOW EMPLOYERS GET AWAY WITH WAGE THEFT

The prevalence of wage theft is driven by a number of factors. First, employers use a variety of tactics to avoid paying their workers. Second, many workers are unaware of their rights or afraid of seeking wages owed. Third, enforcement of wage theft is problematic because of insufficient governmental oversight of employers. And even when the law is enforced, it provides only a slap on the wrist for violators—making it all too easy for unscrupulous employers to choose a business model that assumes the risk of not paying workers.





## SECTION ONE

# DESCRIBING WAGE THEFT IN PENNSYLVANIA

“I can’t tell you how often the day laborers I worked with experienced clear-cut cases of wage theft but couldn’t effectively pursue their cases because contractors only provided first names and unreliable cell phone numbers.”

-ORGANIZER GEOFF GUSOFF<sup>22</sup>

### EMPLOYER TACTICS TO AVOID PAYMENT

There are numerous ways that employers avoid the payment of wages. An employer may, for example, make continual promises to pay but never make good on the promise.<sup>23</sup> Employers may issue checks with insufficient funds or take illegal deductions out of a worker’s paycheck.<sup>24</sup> Employers sometimes confuse workers about their right to overtime compensation by paying the worker: (1) as a “salaried worker;” (2) “off the books” for any hours worked in excess of 40 hours per week; or (3) from two separate entities so that each entity avoids paying overtime.<sup>25</sup>

Another way that employers sidestep their obligations is by misclassifying a worker as an “independent contractor.” Since many Pennsylvania laws that protect workers do not protect independent contractors, employers can more easily commit wage theft using this tactic.<sup>26</sup> Misclassifying workers also allows employers to evade payment of income and social security taxes, workers’ compensation, and unemployment insurance.<sup>27</sup>

**9%** of  
Pennsylvania  
workers are  
misclassified as  
independent  
contractors.<sup>28</sup>

Further, employers may use other tactics to confuse workers when they seek to take legal action about wage theft. Some employers keep their workers at arm’s length to avoid revealing the employer’s true identity so that workers will have difficulty complaining about wage theft.<sup>29</sup> Other employers may register as two or more corporate entities to create confusion among the workers. These same entities may be quick to suspend or dissolve their business status to evade payment of wages. A California study showed that employers who refused to settle a claim and then became subject to a court judgment for wage theft “were more likely than not to have suspended, forfeited, cancelled, or dissolved business status within a year of the wage claim.”<sup>30</sup>

Some employers fail to keep records as required by law, making it more difficult for a worker to claim payment for the hours worked. Employers who pay workers in cash often fail to keep such records or provide workers with pay statements. Without such records, employers may even go so far as to deny that they ever employed the worker.<sup>31</sup>



## SECTION ONE

# DESCRIBING WAGE THEFT IN PENNSYLVANIA

“I thought maybe the company was just stingy . . .  
I did work in a few other daycare centers, and  
I’ve never heard anyone give overtime.”  
-KERRY\*

### LACK OF WORKER KNOWLEDGE

Many workers simply do not know their rights under the law.<sup>32</sup> Attorney Larry Norton, who has decades of experience working with farm workers, found that they are often paid by the piece and fail to realize that they are still owed minimum wage. Further, workers who are intentionally labeled as “independent contractors” by employers often do not realize that they have rights under the wage and hour laws.<sup>33</sup> Many workers also are unaware that Pennsylvania has a Department of Labor and Industry that handles wage theft complaints.<sup>34</sup> Immigrant workers, in particular, may be unfamiliar with U.S. laws and legal processes.<sup>35</sup>

**61.5%** of workers surveyed in Philadelphia’s Restaurant Industry did not know the correct legal minimum wage.<sup>36</sup>

### CHILD CARE WORKERS

For two years, Kerry (not her real name)\* worked at a daycare center in Dauphin County that had a company-wide policy of refusing to pay workers overtime. Kerry made \$10 an hour and often worked 80 hours per week. She quickly became invested in her job, taking on numerous responsibilities and spending her evenings handling calls from parents. “You start loving what you do, and you start caring about people, but it starts wearing on you—all those hours.”



Kerry was never paid overtime for her work. At the time, Kerry did not realize that this was against the law, so she never tried to take action against her employer and never asked about the overtime policy. She had heard that she could be reprimanded or fired for discussing pay with other employees, so she never brought it up with any of her co-workers.



## SECTION ONE

# DESCRIBING WAGE THEFT IN PENNSYLVANIA

“People do a cost-benefit analysis where they decide it’s better not to lose their job or continue to get harassed on the job than get that extra 15 or 20 dollars a week, even though the extra money would make their lives easier.”  
-ORGANIZER KATI SIPP<sup>37</sup>

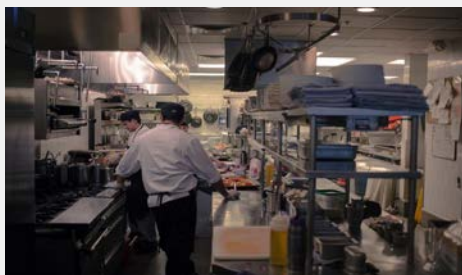
## RETALIATION

Workers choose not to complain about conditions, either to their employer or to governmental agencies, because they fear retaliation from their employer.<sup>38</sup> Workers who complain about wage violations experience retaliation in the form of decreased hours and pay, increased workloads, threats to call immigration authorities, and termination.<sup>39</sup>

Immigrant workers are particularly vulnerable to retaliation. Undocumented workers may be afraid of being turned in to immigration authorities if they complain, even though laws protect workers from wage theft regardless of their immigration status. Even those immigrants who have employment visas are concerned about losing their visas if they speak up.<sup>40</sup> “There are so many people in the Latino immigrant community who are dealing with this but aren’t speaking up because taking action means opening themselves up to the possibility of getting deported,” said organizer Jasmine Rivera.<sup>41</sup> Such retaliation against immigrant workers, however, is actually prohibited by law.<sup>42</sup>

## IMMIGRANT WORKERS

Manuel, a dedicated hard-working cook from Mexico, faced retaliation from his employer when he tried to stand up for his rights. When he began working at a Philadelphia restaurant four years ago, he requested to be paid by check so that he could pay taxes, though other employees received cash. He worked 70-75 hours per week and was never paid overtime wages.



The working conditions for Manuel’s job were worse for Mexicans than other workers. Immigrants were not allowed to take breaks and were verbally abused by other workers and the bosses. One time, Manuel’s boss said to him, “If I tell you to shine my shoes, you shine my shoes,” and agreed when another employee told him “all Latinos are trash.”

When Manuel quit, he was not paid his final paycheck and sought legal help. His employer was furious and threatened to call the police to inform them that Manuel was undocumented. Even worse, he threatened Manuel’s family and their safety. Manuel was fortunate in finding legal assistance to recover his wages and obtain immigration status based on the retaliatory threats.



## DESCRIBING WAGE THEFT IN PENNSYLVANIA

### WEAK LAWS

In Pennsylvania, there are two primary wage and hour laws that protect workers against wage theft: the Minimum Wage Act (MWA) and the Wage Payment and Collection Law (WPCL).<sup>43</sup> While these laws are intended to protect workers from wage theft, the minimal penalties do not serve as a sufficient deterrent for employers who engage in wage theft. Under the WPCL, penalties are limited to \$500 or 25% of the wages owed, and criminal fines are limited to \$300.<sup>44</sup> Comparatively, laws in some other jurisdictions provide for greater penalties, such as penalties equal to or twice the amount of wages owed.<sup>45</sup> Some states impose even harsher penalties, such as revoking business licenses and pursuing criminal penalties.<sup>46</sup> Further, the laws in Pennsylvania do not contain mechanisms to adequately safeguard workers from retaliation, such as a procedure by which workers can file complaints either anonymously or confidentially.

### INSUFFICIENT ENFORCEMENT

The responsible governmental agencies do not have sufficient resources to enforce the current wage and hour laws. The Sheller Center obtained information about the state of enforcement from the Bureau of Labor Law Compliance (BLLC) of the Pennsylvania's Department of Labor and Industry (DLI), which is in charge of enforcing Pennsylvania's MWA and WPCL, through a Right-to-Know request. Despite closing approximately 5,000 cases per year, DLI managed to collect wages in only about 2,000 of the cases on behalf of workers yearly.<sup>47</sup> BLLC also lacks written guidance outside of pro forma procedures for processing complaints.<sup>48</sup> There is no written guidance for issuing penalties, conducting community education and outreach, or prioritizing investigations except for by monetary amounts.<sup>49</sup>

On the federal level, the Department of Labor's Wage and Hour Division (WHD) similarly lacks sufficient resources to address many wage theft complaints. Further, the Government Accountability Office (GAO) found that WHD "frequently responded inadequately to complaints leaving low wage workers vulnerable to wage theft and other labor law violations."<sup>50</sup> According to the GAO study, WHD successfully investigated only one of ten cases the undercover complainants brought to it, and half of the complaints were not even recorded in WHD's database.<sup>51</sup>

Low-wage workers otherwise have little access to private attorneys who will take their case within Pennsylvania. There are very few nonprofits that can help workers for free, and most private attorneys will take cases only where they can recover substantial wages or where there is a potential for a collective or class action case that could generate attorney's fees.



## WAGE THEFT IS HAPPENING IN PENNSYLVANIA

“[Wage theft] is rampant. Employers claim that they violate the law because they don’t understand it—that the law is confusing. It’s not. They just don’t want to pay people what they are owed—it’s a race to the bottom.”  
 -ATTORNEY PETER WINEBRAKE<sup>52</sup>

Wage theft is a widespread problem in Pennsylvania. We know this both from anecdotal information from individual workers and from the reports of people who interact with workers on a daily basis.

“It’s a huge problem in our region,” said attorney Marielle Macher, who represents clients in eastern and northeastern Pennsylvania.<sup>53</sup>

Walmart workers in Pennsylvania receive an award of more than

**\$187,000,000**

for wage theft violations. From at least 1998 to 2005, Walmart required almost 188,000 Pennsylvania workers to do off-the-clock work, and deprived them of meal breaks required by their contracts.<sup>55</sup>

“In certain industries, it’s rampant,” says organizer Kati Sipp. “People who have white collar jobs are less likely to see it around them. But I guarantee if you went to a meeting of the Fast Food Workers Organizing Committee, every person will have a story about working off the clock.”<sup>54</sup>

In her job as an organizer, Jasmine Rivera has learned to ask community members if they’ve experienced wage theft. “It’s very prevalent, but people aren’t talking about it because they’re embarrassed, or they’re afraid to take action.”<sup>56</sup>

Geoff Gusoff, who organized day laborers outside of a Home Depot in North Philadelphia, talks about how rampant such wage theft violations were among the workers. “In the parking lot, wage theft was not simply the result of a few bad actors, but rather an endemic practice rooted in the lack of enforcement mechanisms to hold contractors accountable.”<sup>57</sup>

Governmental agencies tasked with enforcing wage and hour laws confirm that the problem is not reserved to a handful of workers. In Pennsylvania, the Bureau of Labor Law Compliance (BLLC) of the Department of Labor and Industry (DLI) maintains records of how many cases are opened each year. In 2013, BLLC opened 4,533 cases under the Wage Payment and Collection Law, and 395 cases under the Minimum Wage Act.<sup>58</sup> This number, however, represents but a small fraction of the wage and hour violations that actually occur in Pennsylvania. The vast majority of workers do not file complaints with BLLC because they fear retaliation, lack knowledge of the law, or are uncertain about how to get assistance with their wage theft problems.



## WAGE THEFT IS HAPPENING IN PENNSYLVANIA

The U.S. Department of Labor has studied several industries specifically within Pennsylvania. It found that only 47% of Pennsylvania's day care industry was in compliance with the federal wage and hour laws.<sup>59</sup> This same report found that, in Pittsburgh, the restaurant industry had a 50% compliance rate.<sup>60</sup>

In 2012, the Restaurant Opportunities Center of Philadelphia published a report, *Behind the Kitchen Door*,<sup>61</sup> exposing workplace violations in the Philadelphia restaurant industry. This study found that, of the workers surveyed, 57.9% had experienced an overtime violation, 7.7% had experienced a minimum wage violation, 40% had worked off the clock without pay, and 10.1% had their managers steal tips.<sup>62</sup>

Nationwide, there have been several industry-specific studies on wage theft. A 2011 study of working conditions for restaurant workers in eight regions across the country found that 46.3% of workers surveyed had experienced overtime violations.<sup>63</sup> A national study of domestic workers, which focused on nannies, housecleaners, and caregivers, revealed that nearly one-quarter of survey respondents were paid less than the minimum wage.<sup>64</sup> Other studies of day laborers in New Jersey,<sup>65</sup> Texas,<sup>66</sup> and Cleveland,<sup>67</sup> and nationally,<sup>68</sup> confirm that wage theft is a rampant problem for day laborers. The national study found that almost half of day laborers surveyed had experienced wage theft in the past two months.<sup>69</sup>

This information, however, cannot paint a complete picture of wage theft in Pennsylvania. Despite the well-known occurrence of wage theft in Pennsylvania, there are currently no available data on the extent of wage theft in the state, much less the number of actual wage theft violations that occur in a given region.

## PENNSYLVANIA ESTIMATES

This report provides estimates of the scale of the wage-theft problem in Pennsylvania by drawing from a national study, which exposed the extent of the problem across various low-wage industries. *Broken Laws, Unprotected Workers*, a landmark study conducted in 2009, utilized groundbreaking survey techniques to study wage and hour violations among low-wage workers in three of America's largest cities—Chicago, New York, and Los Angeles.<sup>70</sup>

**Broken Laws** found that among low-wage workers surveyed about their past workweek:

- 26% experienced a minimum wage violation
- 76% who worked overtime hours experienced an overtime violation
- 70% who worked before/after their shift were not paid for off-the-clock work<sup>71</sup>



## WAGE THEFT IS HAPPENING IN PENNSYLVANIA

In order to reach the full range of low-wage workers, the study employed innovative survey techniques to include low-wage workers, such as undocumented immigrants or off-the-books workers, who are often missed in conventional surveys.<sup>72</sup> The study also established a comprehensive questionnaire that allowed researchers to determine whether laws were being broken without relying on workers' knowledge of the laws.<sup>73</sup>

To calculate minimum wage and overtime violations, *Broken Laws* gathered day-by-day data on exactly how many hours each person worked the week before the survey, the amount of money she received, and whether she worked off-the-clock.<sup>74</sup> From there, the researchers calculated each worker's hourly wages to determine whether the wages paid were below the minimum wage or did not include overtime compensation.<sup>75</sup> The researchers were careful not to double-count violations for each worker.<sup>76</sup>

By extrapolating from the *Broken Laws* data, we estimated the number of low-wage workers in Pennsylvania experiencing some type of wage violation. Using governmental data on Pennsylvania employment statistics,<sup>77</sup> we took the number of individuals working in a given occupational category in Pennsylvania and multiplied it by the *Broken Laws* numbers that represented the percentage of workers experiencing a particular kind of wage and hour violation in the same occupational category.<sup>78</sup> For overtime and off-the-clock violations, we also calculated the portion of workers in each of these categories by using the fractions of workers in *Broken Laws* who reported working overtime (25%) or before or after their regular shift (22%).<sup>79</sup> These calculations provided us with an estimate of the number of Pennsylvania workers that are likely experiencing wage theft. Please refer to Appendix A for a more detailed description of our methodology.

### PENNSYLVANIA STATEWIDE ESTIMATES

For Pennsylvania, we estimate that in a given workweek, in low-wage occupations:

**397,673** workers experience a minimum wage violation

**326,647** workers experience an overtime violation

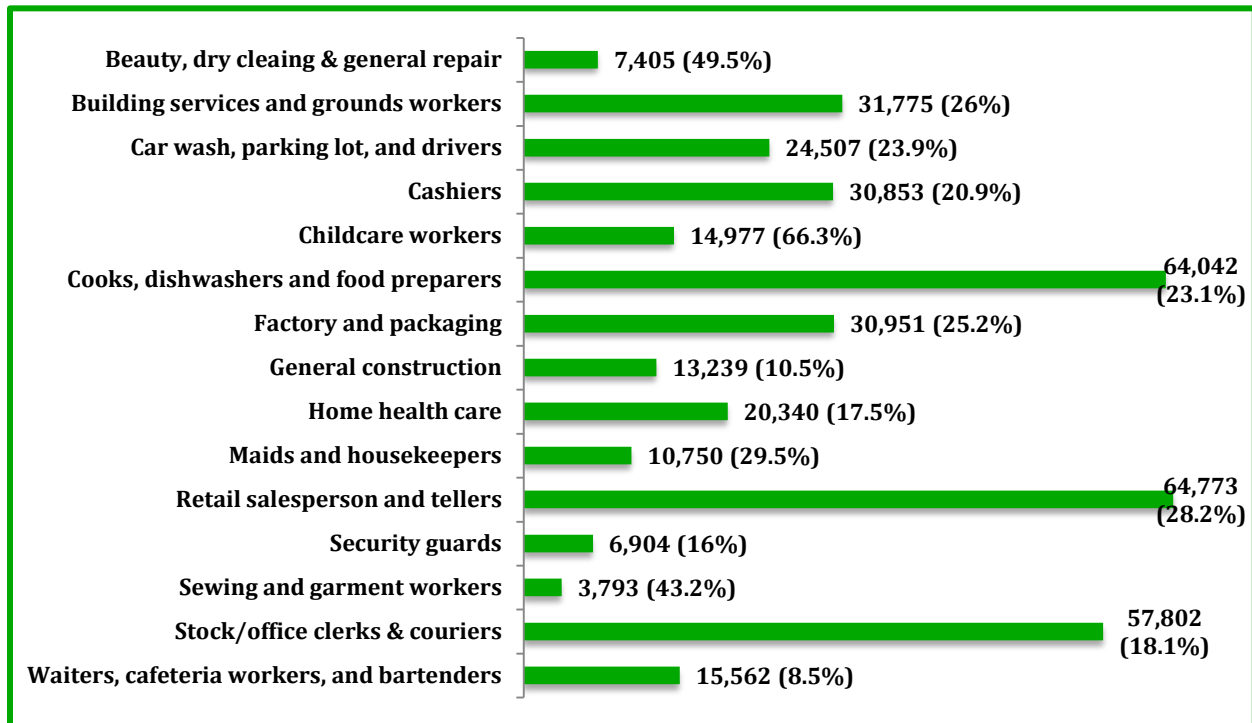
**257,204** workers are not paid for off-the-clock work before and after their shift



## WAGE THEFT IS HAPPENING IN PENNSYLVANIA

The charts below shows our estimates for how many Pennsylvania workers in each occupational category experience wage theft in the three areas of minimum wage, overtime, and off-the-clock work in a given week. We also indicate, in parenthesis, the percentage of workers in each occupation that experienced wage theft in *Broken Laws*. For example, we estimate that 30,853 cashiers in Pennsylvania experience a minimum wage violation. This figure is based on the *Broken Laws* finding that 20.9% of cashiers experienced minimum wage violations in the workweek prior to their survey. For overtime and off-the-clock percentages, the *Broken Laws* percentages reflect the percentage of workers that experienced those violations within the subset of workers that worked overtime or off-the-clock hours.

**FIGURE 1: ESTIMATE OF NUMBER (AND PERCENTAGE) OF PA LOW-WAGE WORKERS WITH MINIMUM WAGE VIOLATIONS BY OCCUPATION IN A WEEK**

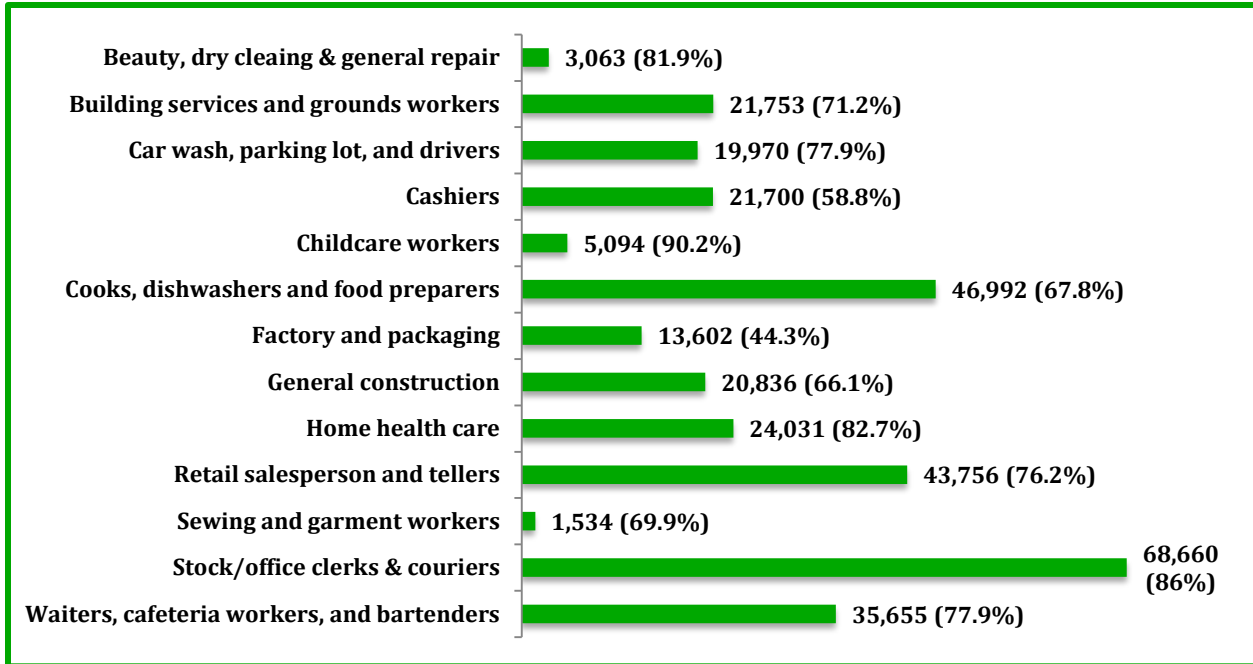




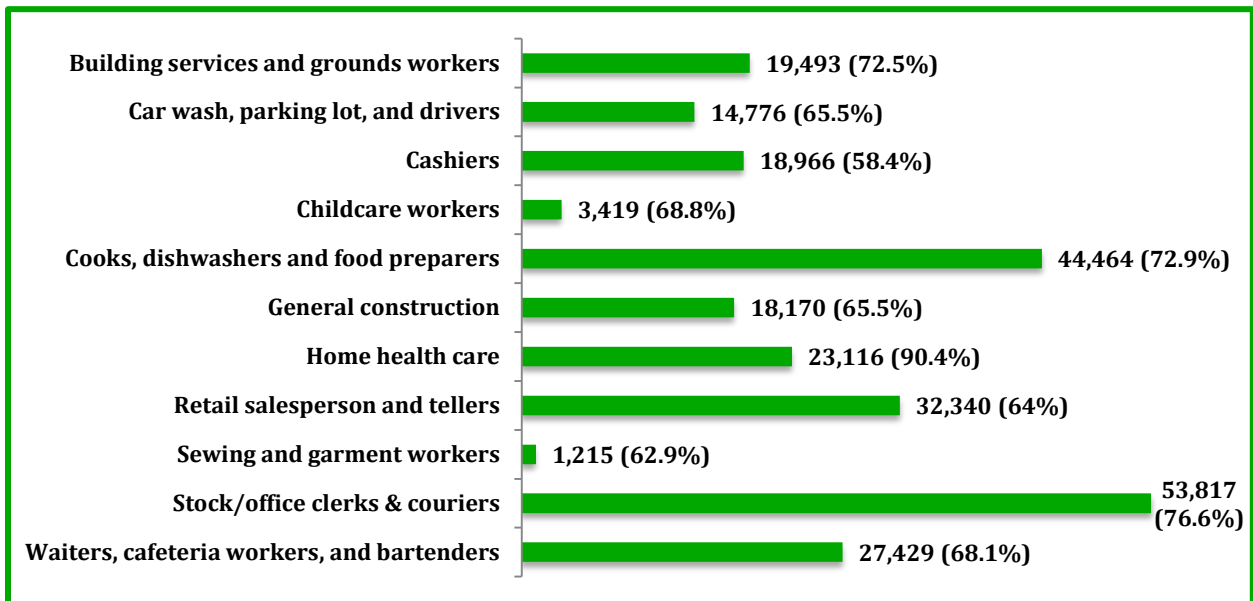


## WAGE THEFT IS HAPPENING IN PENNSYLVANIA

**FIGURE 2: ESTIMATE OF NUMBER (AND PERCENTAGE) OF PA LOW-WAGE WORKERS WITH OVERTIME VIOLATIONS BY OCCUPATION IN A WEEK**



**FIGURE 3: ESTIMATE OF NUMBER (AND PERCENTAGE) OF PA LOW-WAGE WORKERS WITH OFF-THE-CLOCK VIOLATIONS BY OCCUPATION IN A WEEK**





## WAGE THEFT IS HAPPENING IN PENNSYLVANIA

### PENNSYLVANIA REGIONAL ESTIMATES

We also estimated the prevalence of wage theft in Pennsylvania counties and geographic regions. Governmental agencies maintain numbers of workers by occupational category for all regions in the state.<sup>80</sup> Using these data, we calculated the number of workers experiencing wage theft for each region. The total numbers for all regional areas of Pennsylvania, based on governmental data, can be viewed in Appendices B and C.

In the Philadelphia metropolitan area, for example, an estimated 128,476 workers experience a minimum wage violation, 105,458 experience an overtime violation, and 83,344 experience an off-the-clock violation in a given workweek.<sup>81</sup> These numbers include workers not only in Philadelphia but also in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties. Although the populations are smaller in non-metropolitan areas, the number of workers experiencing wage theft is still alarming. In eight counties that comprise a region called “Far Western Pennsylvania,” an estimated 11,625 workers experience a minimum wage violation, an estimated 9,126 experience an overtime violation, and an estimated 7,339 experience an off-the-clock violation in a given workweek.<sup>82</sup>

### PENNSYLVANIA ESTIMATES ESTABLISH WAGE THEFT IS A REAL PROBLEM

Although these estimates are extrapolations rather than original data, there are a number of reasons to believe that they can serve as reasonable estimates for quantifying the problem of wage theft in Pennsylvania. No existing research indicates that the experience of Pennsylvania’s workforce is any different from the experience of those low-wage workers in the cities surveyed in *Broken Laws*. There is no reason to believe, for example, that Pennsylvania employers, on average, are more law-abiding or that the enforcement of wage and hour laws is particularly robust in Pennsylvania. Further, these findings are consistent with other studies and with the experiences of advocates who work with low-wage workers across the state.

In fact, these estimates are underinclusive because they exclude a number of low-wage occupations in Pennsylvania. The *Broken Laws* survey reflected low-wage workers in urban areas and thus excluded low-wage occupations common in rural areas. Therefore, many of Pennsylvania’s farming, fishing, and forestry jobs were excluded from our estimates, despite qualifying as low-wage occupations. The governmental data also reflected a number of low-wage occupational categories in Pennsylvania that did not fit into *Broken Laws*’ categories and could not be included in these estimates. Finally, as in *Broken Laws*, these estimates exclude low-wage technical, supervisory, and managerial jobs.<sup>83</sup> In total, these estimates exclude nearly 400,000 low-wage workers in state.<sup>84</sup> Our estimates also do not account for the problem of wage theft among those other than low-wage workers.

These estimates suggest that a huge number of hard-working Pennsylvanians are victims of wage theft. Even if wage theft were *half as common* as the numbers suggest, hundreds of thousands of workers would be experiencing wage and hour violations in a workweek. This is simply unacceptable.



## SECTION THREE

# WAGE THEFT HURTS PENNSYLVANIA

[If] workers don't have money in their pockets, they can't live in the way they would live, they can't consume in the way they would consume, and that's not good for local communities, but it also hurts legitimate businesses.  
-ATTORNEY LARRY NORTON<sup>85</sup>

Wage theft has significant negative consequences, not only for workers but also for Pennsylvania's economy. The amount of money that employers steal from their workers is staggering. *Broken Laws* found that workers who experienced a pay-based violation in the past workweek lost an average of \$51 from average weekly earnings of \$339, or 15% of the earnings of these low-wage workers.<sup>86</sup>

**15% of weekly pay stolen,**  
on average, for a low-wage worker who experienced a pay-based violation.

Assuming a similar rate and scale of wage theft in Pennsylvania, conservative estimates of wages lost by workers are in the tens of millions of dollars. Our study focused on the 1,872,790 individuals employed as low-wage workers in certain occupations in Pennsylvania.<sup>87</sup> These workers are paid an average of \$8.59 to \$14.56 per hour.<sup>88</sup> Assuming a full-time work schedule, this would equal a weekly salary of \$343.60 to \$582.40. If Pennsylvania workers are experiencing wage theft at the same 15% rate as the average *Broken Laws* worker, in-state employers are stealing anywhere from \$51.54 to \$87.36 from their employees in a given week. If just one-fifth of these workers—or 374,558 individuals—experienced wage theft, this would equal a total of \$19 to \$32 million in wages taken from workers during just one workweek.

These millions of dollars of wage theft hurt Pennsylvania's economy. Every dollar taken from a Pennsylvania worker is a dollar unspent in the local economy. When workers are unable to spend money on needed goods and services, Pennsylvania's businesses miss out. Further, when employers evade paying wages, Pennsylvania loses out on state income tax revenue. Pennsylvania's income tax is 3.07%,<sup>89</sup> which means that Pennsylvania is potentially losing millions of dollars in income tax revenues from wage theft. This money could be used to fund schools, improve roads, and provide much needed services to Pennsylvania citizens.

Employers who commit wage theft also evade the payment of proper contributions to Pennsylvania's Unemployment Compensation Fund. This evasion is magnified by employers who choose to misclassify their workers to circumvent wage and hour laws. A 2008 study, for example, estimated that 9% of Pennsylvania's workforce is misclassified as independent contractors each year, resulting in a loss of over \$200 million to the Unemployment Compensation Fund each year.<sup>90</sup>



## SECTION THREE

# WAGE THEFT HURTS PENNSYLVANIA

Wage theft also hurts law-abiding businesses because it makes it hard for them to compete on equal footing. “When some employers don’t pay their workers what they’re required to pay, or don’t pay taxes, then they have a competitive advantage against the employers that do follow the law,” explains Norton. “You end up with whole industries out of compliance because the employers that want to do it right can’t compete against the people that break the law.”<sup>91</sup> Unscrupulous businesses get ahead while harming the growth of businesses that play by the rules.

Finally, behind the numbers are the real people, like David, who have lived and suffered the consequences of wage theft. David’s story shows the extent of the harm wage theft can cause in a worker’s life. Every dollar stolen from David’s wages was a dollar he did not have to take care of himself. David’s story, unfortunately, is not uncommon.

### DAVID’S STORY

David loves his job as a truck driver. A driver with 15 years of experience, David started driving a truck for a new employer. Things went well until the employer started giving David checks for less than what he was owed. His boss assured him that he would be paid. He wrote up a repayment plan, which his boss promised to follow, but never did.



Soon, David was behind on his cell phone, water, and electric bills. His cell phone got cut off once or twice. He could not afford insurance, a big worry for someone with a history of serious heart problems. Finally, David had trouble buying groceries. “When my employer started messing with the food in this house and the bills started to go up, ‘cause I couldn’t pay them off, that’s when I said enough is enough,” David explains. David was forced to quit his job.



## RECOMMENDATIONS

“You focus on the positive things, [but] at the same time, who’s there to help us because we’re not getting what we’re entitled to?”  
-NATASHA

### RECOMMENDATIONS

Moving forward, many of the solutions to Pennsylvania’s wage theft problem will come from government action, particularly through strengthening state and local laws, making state agency enforcement more effective, and providing support for low-wage workers.

#### STRENGTHEN STATE AND LOCAL LAWS

**Increase Monetary Penalties.** Employers have an economic incentive to commit wage theft because Pennsylvania law provides very little punishment for employers. Under the Wage Payment and Collection Law (WPCL), workers can potentially collect liquidated damages of \$500 or 25 % of wages owed.<sup>92</sup> Pennsylvania’s Minimum Wage Act (MWA) does not provide for any damages to the worker.<sup>93</sup> By comparison, under federal law, workers can recover damages equal to their unpaid wages,<sup>94</sup> and under the laws of other states, workers can recover double or triple the amount of their unpaid wages.<sup>95</sup> The minimal consequences imposed by Pennsylvania law do not deter many employers, who at best can “save” money by cheating workers and at worst will simply have to pay the wages they should have paid in the first place, along with a small penalty. Harsher monetary penalties would help deter employers from breaking the law and provide workers with more incentive to take action against noncompliant employers.

**Revoke or Suspend Business Licenses.** Other non-monetary penalties can also help to deter employers from breaking Pennsylvania’s wage and hour laws. Such penalties could include the suspension or revocation of operating or other business-related licenses of employers found guilty, liable, or responsible for wage theft.<sup>96</sup> Businesses can also be required to certify their wage theft history on any application for such licenses.<sup>97</sup> Further, the state or localities could refuse to contract with employers who lack a record of compliance with wage and hour laws.<sup>98</sup>

**Create Wage Liens.** The state could also create a wage lien law that allows workers who have experienced wage theft to place a lien, or “hold,” on an employer’s property until the worker receives his or her unpaid wages. Wage liens are a significant tool for collecting unpaid wages



## RECOMMENDATIONS

once an occurrence of wage theft is proved. The lien would keep the employer from selling, hiding, or disposing of the property until the wages are paid or the lien is released.<sup>99</sup> The process would operate in a similar fashion to the Mechanics' Lien Law in Pennsylvania.<sup>100</sup> A worker would be required to notify his or her employer, and the employer would be able to dispute a lien by filing a complaint in the court where the property is located.<sup>101</sup> Maryland, for example, has recently created a wage lien law, while other states permit agencies to obtain wage liens after a final order from a judicial or administrative proceeding.<sup>102</sup>

**Increase or Toll the Statute of Limitations.** Under the WPCL, there is a three-year statute of limitations, and there is no tolling of the statute of limitations during a BLLC investigation.<sup>103</sup> Pennsylvania could extend the statute of limitations to provide workers with a longer time frame for making a claim. The statute of limitations could also be tolled to take into account time spent by BLLC investigating instances of wage theft. Other states have increased the statute of limitations to four to six years or permitted the tolling of the statute of limitations to account for investigative delays.<sup>104</sup>

### IMPROVE STATE AGENCY ENFORCEMENT

The Bureau of Labor Law Compliance within DLI is responsible for enforcing the wage and hour laws in Pennsylvania. The Sheller Center spoke to advocates familiar with BLLC's enforcement practices and obtained documents from BLLC about its enforcement efforts through a Right-to-Know request. This information helps inform the following recommendations, which focus on creating an agency enforcement system with "teeth." Some of the key results of the Right-to-Know request are provided in Appendix E.

**Increase Funding to DLI.** BLLC needs to dedicate more funding to handling wage theft complaints. As of February 2014, the BLLC had 26 investigators (with 5 vacant positions).<sup>105</sup> Some of their responsibilities, on top of investigating wage and hour violations, include investigating cases involving: (1) the prevailing wage, (2) child labor, (3) one call (protection of underground utility lines), (4) Act 102 (prohibition of excessive overtime in health care jobs), and (5) the personnel file inspection law (right of employee to inspect their personnel files).<sup>106</sup> The number of investigators is simply inadequate in light of the approximately 5,000 wage complaints BLLC receives each year.<sup>107</sup> Further, more funding could help BLLC put resources into taking legal action against employers who either fail to comply with the investigation or make payments after a wage theft violation has been found.

**Create a Better System to Prioritize Complaints.** BLLC should further develop procedures related to prioritization of wage theft complaints. Currently, BLLC prioritizes complaints



## RECOMMENDATIONS

between \$500 and \$3,000.<sup>108</sup> While monetary thresholds are a good start, BLLC should also consider other priorities such as complaints that involve group claims, repeat offenders, collaborations with community-based organizations, or certain industries with a history of rampant violations.

**Work with Community Groups to Target Investigations.** BLLC should focus some resources on affirmatively initiating investigations against industries with a history of noncompliance. Community-based organizations can help identify where workplace violations are most concentrated.<sup>109</sup> An example of this kind of partnership is New York Wage Watch, which was established by the New York Department of Labor in 2009.<sup>110</sup> When a group that belongs to Wage Watch comes across workers experiencing wage theft violations, the group can contact a designated person within the state agency. By focusing resources on the worst actors, BLLC can impact a larger number of workers. Moreover, the publicity associated with large-scale investigations can have a deterrent effect on other violators.

**Allow DLI to Internally Adjudicate Claims.** DLI has enforcement authority for the wage and hour laws. It may, however, only enforce the provisions of the wage and hour laws by instituting a civil action, which requires BLLC staff to travel around the state and handle cases in court.<sup>111</sup> Other divisions within DLI, such as those that address unemployment compensation, internally adjudicate claims made by workers.<sup>112</sup> Other states provide their departments of labor with similar adjudicatory authority in wage theft investigations so that their investigators can make findings and issue penalties against employers.<sup>113</sup> This authority to internally enforce wage and hour laws would provide DLI with a good enforcement tool.

**Conduct Outreach and Education to Underserved Communities.** Although Pennsylvania offers some remedies to employees who have experienced wage theft, many of these remedies are unknown to workers. Larry Norton, General Counsel of the Community Justice Project, states, “I don’t think there’s much that goes on in terms of publicizing what people’s rights are. We often do news releases when we file lawsuits . . . but most people get their information word-of-mouth.”<sup>114</sup> BLLC should work in cooperation with community-based organizations more systematically to improve labor law compliance in underserved communities, by conducting know-your-rights training for workers and providing employers with information about compliance. BLLC should also place special emphasis on outreach to individuals of limited English proficiency.

**Create a Process for Confidential or Anonymous Complaints.** In order to encourage workers who fear retaliation to come forward, BLLC should change its complaint process to accommodate either confidential or anonymous complaints of wage theft. BLLC could keep a complainant’s name confidential during the course of an investigation until the validity of the complaint has been established. Workers should also be able to make anonymous complaints



## RECOMMENDATIONS

about employers to trigger a workplace investigation. States such as Arizona, California, Kentucky, and North Carolina have procedures in place for confidential and anonymous complaints.<sup>115</sup>

**Increase Use of Criminal Penalties.** The Pennsylvania wage and hour laws contain criminal penalties that may be imposed against employers. Under the MWA, an employer may face 10 to 60 days of imprisonment and a fine of up to \$300 per offense and 10 to 90 days for retaliation with a fine of up to \$1,000.<sup>116</sup> Under the same law, each week that a worker is paid less than the minimum wage is considered a separate offense.<sup>117</sup> Under the WPCL, a summary offense provides for imprisonment of up to 90 days and a fine of up to \$300 per offense.<sup>118</sup> While BLLC has a procedure in place for “consider[ing]” criminal action,<sup>119</sup> it should increase the use of criminal penalties against employers by collaborating with prosecutors to target employers who are willfully noncompliant or have a history of noncompliance. Since the penalties are per offense, BLLC could seek significant cumulative criminal penalties against employers who commit wage theft against their entire workforce. Other states and localities have effectively used criminal penalties as a means to increase public awareness around wage theft and to increase compliance of employers with wage and hour laws.<sup>120</sup>



## APPENDIX A METHODOLOGY

In order to estimate the extent of wage theft in Pennsylvania, we performed an extrapolation by applying *Broken Laws* data to Pennsylvania employment statistics. The Pennsylvania employment statistics come from the Bureau of Labor Statistics (BLS) of the U.S. Department of Labor.<sup>121</sup> BLS is the primary federal agency responsible for measuring labor market activity and working conditions.<sup>122</sup>

### DEFINING A LOW-WAGE WORKER

Like *Broken Laws*, our extrapolation focused on low-wage workers. We first had to determine who should be considered a low-wage worker. To establish a benchmark, we included workers whose median hourly wage was 85 percent or below Pennsylvania's median hourly wage. The 85 percent metric has been commonly used to define low-wage industries and occupations.<sup>123</sup> According to BLS, the median hourly wage in Pennsylvania was \$17.13 in 2014.<sup>124</sup> Accordingly, the extrapolation accounts only for workers whose occupational median hourly wage was \$14.56 or less in 2014.

### MATCHING OCCUPATIONAL CATEGORIES

In *Broken Laws*, researchers surveyed workers belonging to certain low-wage occupational categories and determined the percentage and type of wage violations occurring in each occupational category.<sup>125</sup> First, we used BLS data to generate a list of every occupation in Pennsylvania whose median hourly wage was \$14.56 or less. Next, we went through each BLS occupational description and industry profile for each job to determine whether it could be matched with a *Broken Laws*' occupational category. BLS classifies occupational categories based upon work performed, skills, education, training, and credentials.

### DERIVING ESTIMATES FOR PENNSYLVANIA

We first totaled the number of Pennsylvania workers in each of the *Broken Laws* occupational categories. Using the BLS data, we found that there were 1,872,790 low-wage Pennsylvania workers employed in *Broken Laws*' occupational categories in 2014. We then performed an extrapolation by taking the *Broken Laws*' data and applying it to the BLS data on Pennsylvania workers. To determine how many wage violations occurred in a given occupational category, we multiplied the number of low-wage workers in each category by the *Broken Laws*' percentage of wage violations in that category. Figure 4 below provides a comprehensive breakdown of the number of Pennsylvania workers in each occupational category along with estimates of how many of those workers experience a particular type of wage violation.

**FIGURE 4: PA LOW-WAGE WORKERS BY OCCUPATIONAL CATEGORY**<sup>126</sup>

OCCUPATIONAL CATEGORY	NUMBER OF PA LOW-WAGE WORKERS	ESTIMATE OF WORKERS EXPERIENCING A MINIMUM WAGE VIOLATION	ESTIMATE OF WORKERS EXPERIENCING AN OVERTIME VIOLATION	ESTIMATE OF WORKERS EXPERIENCING AN OFF-THE-CLOCK VIOLATION
BEAUTY, DRY CLEANING, & GENERAL REPAIR	14,960	7,405	3,063	N/A
BUILDING SERVICES AND GROUNDS WORKERS	122,210	31,775	21,753	19,493
CAR WASH WORKERS, PARKING LOT ATTENDANTS, & DRIVERS	102,540	24,507	19,970	14,776
CASHIERS	147,620	30,853	21,700	18,966
CHILDCARE WORKERS	22,590	14,977	5,094	3,419
COOKS, DISHWASHERS, & FOOD PREPARERS	277,240	64,042	46,992	44,464
FACTORY & PACKAGING	122,820	30,951	13,602	N/A
GENERAL CONSTRUCTION	126,090	13,239	20,836	18,170
HOME HEALTH CARE	116,230	20,340	24,031	23,116
MAIDS & HOUSEKEEPERS	36,440	10,750	N/A	N/A
RETAIL SALESPERSON & TELLERS	229,690	64,773	43,756	32,340
SECURITY GUARDS	43,150	6,904	N/A	N/A
SEWING & GARMENT WORKERS	8,780	3,793	1,534	1,215
STOCK/OFFICE CLERKS & COURIERS	319,350	57,802	68,660	53,817
WAITERS, CAFETERIA WORKERS, & BARTENDERS	183,080	15,562	35,655	27,429
<b>TOTAL</b>	<b>1,872,790</b>	<b>397,673</b>	<b>326,647</b>	<b>257,204</b>

## **LOW-WAGE OCCUPATIONS EXCLUDED FROM EXTRAPOLATION**

Almost 400,000 Pennsylvania low-wage workers whose occupation had a median hourly wage of less than \$14.56 were excluded from the Pennsylvania estimates because they did not fit within one of *Broken Laws*' occupational categories. Because *Broken Laws*' data were derived from low-wage workers in urban areas, these estimates exclude many low-wage jobs found in non-metropolitan areas. The estimate, for example, excludes low-wage workers in Pennsylvania's farming, fishing, and forestry industries. In conformity with the *Broken Laws*' approach, we also exclude those low-wage workers in technical, professional, and managerial occupations, as well as those typically classified as independent contractors, such as taxi drivers.

## **DERIVING REGIONAL ESTIMATES**

We also estimated the prevalence of wage theft in certain Pennsylvania counties, cities, and regions. BLS provides occupational employment data for Pennsylvania, broken down by certain metropolitan and non-metropolitan regions.<sup>127</sup> Using the same methodology described above, for each region we used BLS data to calculate the median hourly wage, identified low-wage workers at 85 percent of the region's median hourly wage, and matched occupational categories with *Broken Laws*' occupational categories. As with the statewide data, we performed an extrapolation using the percentages of wage violations provided by *Broken Laws*. Pennsylvania's regional estimates are detailed in Appendix B.

Notably, three BLS regions included workers from Pennsylvania counties and out-of-state counties. The estimates of workers experiencing wage theft in these three regions were adjusted to account for the out-of-state counties. We made these adjustments using data on the comparative populations for the Pennsylvania counties and the out-of-state counties in order to determine what proportion of the total number of workers could be attributed to Pennsylvania counties. Population totals were taken from the United States Census Bureau.<sup>128</sup> Estimates for these three regions are in Appendix C.

Finally, while there are no BLS data for Philadelphia County alone, the Pennsylvania Department of Labor and Industry (DLI) has employment data for Philadelphia only.<sup>129</sup> We used the same methodology for Philadelphia as with the statewide and regional data. There are no data, however, for the median wages of occupations in Philadelphia, so we referenced statewide BLS data to include occupations with a median hourly wage of \$14.56 or less in 2014. Further, DLI does not have data for certain occupations, so these estimates are underinclusive. We also chose not to provide estimates for the following categories because large amounts of data were unavailable: beauty, dry-cleaning, and general repair workers; building services and ground workers; factory and packaging workers; general construction; and sewing and garment workers. The resulting estimates for Philadelphia can be found in Appendix D.

## APPENDIX B

### PENNSYLVANIA REGIONAL ESTIMATES OF WAGE THEFT

Altoona, PA<sup>130</sup>

OCCUPATION	INDIVIDUALS EMPLOYED IN OCCUPATION	ESTIMATE OF WORKERS EXPERIENCING MIN WAGE VIOLATIONS	ESTIMATE OF WORKERS EXPERIENCING OVER TIME VIOLATIONS	ESTIMATE OF WORKERS EXPERIENCING OFF-THE-CLOCK VIOLATIONS
BEAUTY, DRY CLEANING & GENERAL REPAIR	140	69	29	N/A
BUILDING SERVICES & GROUNDS WORKERS	1,270	330	226	203
CAR WASH WORKERS, PARKING LOT ATTENDANTS & DRIVERS	790	189	154	114
CASHIERS	2,030	424	298	261
CHILDCARE WORKERS	370	245	83	56
COOKS, DISHWASHERS & FOOD PREPARERS	2,860	661	485	459
FACTORY & PACKAGING	1,120	282	124	N/A
GENERAL CONSTRUCTION	1,610	169	266	232
HOME HEALTH AIDES	1,390	243	287	276
MAIDS & HOUSEKEEPERS	330	97	N/A	N/A
RETAIL SALESPERSON & TELLERS	2,900	818	552	408
SECURITY GUARDS	320	51	N/A	N/A
STOCK/OFFICE CLERKS & COURIERS	3,140	568	675	529
WAITERS, CAFETERIA WORKERS, & BARTENDERS	1,720	146	335	258
<b>TOTAL</b>	<b>19,990</b>	<b>4,294</b>	<b>3,515</b>	<b>2,796</b>

**Includes data from Blair County, PA**

**Erie, PA**<sup>131</sup>

OCCUPATION	INDIVIDUALS EMPLOYED IN OCCUPATION	ESTIMATE OF WORKERS EXPERIENCING MIN WAGE VIOLATIONS	ESTIMATE OF WORKERS EXPERIENCING OVER TIME VIOLATIONS	ESTIMATE OF WORKERS EXPERIENCING OFF-THE-CLOCK VIOLATIONS
BEAUTY, DRY CLEANING & GENERAL REPAIR	250	124	51	N/A
BUILDING SERVICES AND GROUNDS WORKERS	3,000	780	534	479
CAR WASH WORKERS, PARKING LOT ATTENDANTS AND DRIVERS	650	155	127	94
CASHIERS	3,700	773	544	475
CHILDCARE WORKERS	640	424	144	97
COOKS, DISHWASHERS AND FOOD PREPARERS	6,660	1,538	1,129	1,068
FACTORY AND PACKAGING	2,000	504	222	N/A
HOME HEALTH AIDES	4,540	795	N/A	N/A
MAIDS AND HOUSEKEEPERS	940	277	939	903
RETAIL SALESPERSON AND TELLERS	5,270	1,486	N/A	N/A
SECURITY GUARDS	920	147	1,004	742
SEWING AND GARMENT WORKERS	40	17	N/A	N/A
STOCK/OFFICE CLERKS & COURIERS	3540	641	761	597
WAITERS, CAFETERIA WORKERS, AND BARTENDERS	4,970	422	968	745
<b>TOTAL</b>	<b>37,120</b>	<b>8,085</b>	<b>6,429</b>	<b>5,204</b>

**Includes data from Erie County, PA**

**Harrisburg-Carlisle, PA**<sup>132</sup>

OCCUPATION	INDIVIDUALS EMPLOYED IN OCCUPATION	ESTIMATE OF WORKERS EXPERIENCING MIN WAGE VIOLATIONS	ESTIMATE OF WORKERS EXPERIENCING OVER TIME VIOLATIONS	ESTIMATE OF WORKERS EXPERIENCING OFF-THE-CLOCK VIOLATIONS
BEAUTY, DRY CLEANING & GENERAL REPAIR	430	213	88	N/A
BUILDING SERVICES AND GROUNDS WORKERS	5,430	1,412	967	866
CAR WASH WORKERS, PARKING LOT ATTENDANTS AND DRIVERS	5,860	1,401	1,141	844
CASHIERS	7,500	1,568	1,103	964
CHILDCARE WORKERS	1,160	769	262	176
COOKS, DISHWASHERS AND FOOD PREPARERS	14,360	3,317	2,434	2,303
FACTORY AND PACKAGING	8,610	2,170	954	N/A
GENERAL CONSTRUCTION	10,340	1,086	1,709	1,490
HOME HEALTH AIDES	4,280	749	885	851
MAIDS AND HOUSEKEEPERS	2,050	605	N/A	N/A
RETAIL SALESPERSON AND TELLERS	10,990	3,099	2,094	1,547
SECURITY GUARDS	2,390	382	N/A	N/A
SEWING AND GARMENT WORKERS	60	26	10	8
STOCK/OFFICE CLERKS & COURIERS	19,110	3,459	4,109	3,220
WAITERS, CAFETERIA WORKERS, AND BARTENDERS	9,100	774	1,772	1,363
<b>TOTAL</b>	<b>101,670</b>	<b>21,028</b>	<b>17,526</b>	<b>13,633</b>

**Includes data from Cumberland, Dauphin, and Perry Counties, PA**

**Johnstown, PA**<sup>133</sup>

<b>OCCUPATION</b>	<b>INDIVIDUALS EMPLOYED IN OCCUPATION</b>	<b>ESTIMATE OF WORKERS EXPERIENCING MIN WAGE VIOLATIONS</b>	<b>ESTIMATE OF WORKERS EXPERIENCING OVER TIME VIOLATIONS</b>	<b>ESTIMATE OF WORKERS EXPERIENCING OFF-THE-CLOCK VIOLATIONS</b>
BUILDING SERVICES AND GROUNDS WORKERS	1,230	320	219	196
CAR WASH WORKERS, PARKING LOT ATTENDANTS AND DRIVERS	970	232	189	140
CASHIERS	1,540	322	226	198
CHILDCARE WORKERS	380	252	86	58
COOKS, DISHWASHERS AND FOOD PREPARERS	3,070	709	520	492
FACTORY AND PACKAGING	110	28	12	N/A
GENERAL CONSTRUCTION	740	78	122	107
HOME HEALTH AIDES	1,690	296	349	336
MAIDS AND HOUSEKEEPERS	390	115	N/A	N/A
RETAIL SALESPERSON AND TELLERS	2,480	699	472	349
SECURITY GUARDS	310	50	N/A	N/A
STOCK/OFFICE CLERKS & COURIERS	1,110	201	239	187
WAITERS, CAFETERIA WORKERS, AND BARTENDERS	1,060	90	206	159
<b>TOTAL</b>	<b>15,080</b>	<b>3,391</b>	<b>2,642</b>	<b>2,221</b>

**Includes data from Cambria County, PA**

**Lancaster, PA**<sup>134</sup>

OCCUPATION	INDIVIDUALS EMPLOYED IN OCCUPATION	ESTIMATE OF WORKERS EXPERIENCING MIN WAGE VIOLATIONS	ESTIMATE OF WORKERS EXPERIENCING OVER TIME VIOLATIONS	ESTIMATE OF WORKERS EXPERIENCING OFF-THE-CLOCK VIOLATIONS
BEAUTY, DRY CLEANING & GENERAL REPAIR	530	262	109	N/A
BUILDING SERVICES AND GROUNDS WORKERS	2,870	746	511	458
CAR WASH WORKERS, PARKING LOT ATTENDANTS AND DRIVERS	3,170	758	617	457
CASHIERS	5,990	1,252	881	770
CHILDCARE WORKERS	780	517	176	118
COOKS, DISHWASHERS AND FOOD PREPARERS	11,510	2,659	1,951	1,846
FACTORY AND PACKAGING	4,260	1,074	472	N/A
GENERAL CONSTRUCTION	5,960	626	985	859
HOME HEALTH AIDES	4,120	721	852	819
MAIDS AND HOUSEKEEPERS	1,930	569	N/A	N/A
RETAIL SALESPERSON AND TELLERS	10,540	2,972	2,008	1,484
SECURITY GUARDS	550	88	N/A	N/A
SEWING AND GARMENT WORKERS	250	108	44	35
STOCK/OFFICE CLERKS & COURIERS	7,630	1,381	1,640	1,286
WAITERS, CAFETERIA WORKERS, AND BARTENDERS	7,910	672	1,540	1,185
TEACHER'S ASSISTANTS	1,680	72.24	N/A	N/A
<b>TOTAL</b>	<b>69,680</b>	<b>14,478</b>	<b>11,785</b>	<b>9,316</b>

**Includes data from Lancaster County, PA**



**Lebanon, PA<sup>135</sup>**

OCCUPATION	INDIVIDUALS EMPLOYED IN OCCUPATION	ESTIMATE OF WORKERS EXPERIENCING MIN WAGE VIOLATIONS	ESTIMATE OF WORKERS EXPERIENCING OVER TIME VIOLATIONS	ESTIMATE OF WORKERS EXPERIENCING OFF-THE-CLOCK VIOLATIONS
BEAUTY, DRY CLEANING & GENERAL REPAIR	70	35	28	N/A
BUILDING SERVICES AND GROUNDS WORKERS	1,050	273	194	167
CAR WASH WORKERS, PARKING LOT ATTENDANTS AND DRIVERS	550	131	102	79
CASHIERS	1,410	295	173	181
CHILDCARE WORKERS	280	186	167	42
COOKS, DISHWASHERS AND FOOD PREPARERS	2,340	541	366	375
FACTORY AND PACKAGING	1,370	345	153	N/A
GENERAL CONSTRUCTION	130	14	9	19
HOME HEALTH AIDES	540	95	78	107
MAIDS AND HOUSEKEEPERS	270	80	N/A	N/A
RETAIL SALESPERSON AND TELLERS	1,790	505	385	252
SECURITY GUARDS	90	14	N/A	N/A
SEWING AND GARMENT WORKERS	40	17	12	6
STOCK/OFFICE CLERKS & COURIERS	1,540	279	240	260
WAITERS, CAFETERIA WORKERS, AND BARTENDERS	1,390	118	92	208
TEACHER'S ASSISTANTS	240	10	N/A	N/A
<b>TOTAL</b>	<b>13,100</b>	<b>2,937</b>	<b>2,001</b>	<b>1,697</b>

**Includes data from Lebanon County, PA**

**Philadelphia, PA Metropolitan Division**<sup>136</sup>

<b>OCCUPATION</b>	<b>INDIVIDUALS EMPLOYED IN OCCUPATION</b>	<b>ESTIMATE OF WORKERS EXPERIENCING MIN WAGE VIOLATIONS</b>	<b>ESTIMATE OF WORKERS EXPERIENCING OVER TIME VIOLATIONS</b>	<b>ESTIMATE OF WORKERS EXPERIENCING OFF-THE-CLOCK VIOLATIONS</b>
BEAUTY, DRY CLEANING & GENERAL REPAIR	5,810	2,876	1,190	N/A
BUILDING SERVICES AND GROUNDS WORKERS	40,600	10,556	7,227	6,476
CAR WASH WORKERS, PARKING LOT ATTENDANTS AND DRIVERS	23,720	5,669	4,619	3,418
CASHIERS	44,350	9,269	6,519	5,698
CHILDCARE WORKERS	9,260	6,139	2,088	1,402
COOKS, DISHWASHERS AND FOOD PREPARERS	85,780	19,815	14,540	13,757
FACTORY AND PACKAGING	34,420	8,674	3,812	N/A
GENERAL CONSTRUCTION	33,380	3,505	5,516	4,810
HOME HEALTH AIDES	42,810	7,492	8,851	8,514
MAIDS AND HOUSEKEEPERS	10,200	3,009	N/A	N/A
RETAIL SALESPERSON AND TELLERS	72,260	20,377	13,766	10,174
SECURITY GUARDS	18,860	3,018	N/A	N/A
SEWING AND GARMENT WORKERS	2,450	1,058	428	339
STOCK/OFFICE CLERKS & COURIERS	117,740	21,311	25,314	19,842
WAITERS, CAFETERIA WORKERS, AND BARTENDERS	59,500	5,058	11,588	8,914
TEACHER'S ASSISTANTS	15,120	650	N/A	N/A
<b>TOTAL</b>	<b>616,260</b>	<b>128,476</b>	<b>105,458</b>	<b>83,344</b>

**Includes data from Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, PA**

**Pittsburgh, PA**<sup>137</sup>

OCCUPATION	INDIVIDUALS EMPLOYED IN OCCUPATION	ESTIMATE OF WORKERS EXPERIENCING MIN WAGE VIOLATIONS	ESTIMATE OF WORKERS EXPERIENCING OVER TIME VIOLATIONS	ESTIMATE OF WORKERS EXPERIENCING OFF-THE-CLOCK VIOLATIONS
BEAUTY, DRY CLEANING & GENERAL REPAIR	1,900	941	389	N/A
BUILDING SERVICES AND GROUNDS WORKERS	24,280	6,313	4,322	3,873
CAR WASH WORKERS, PARKING LOT ATTENDANTS AND DRIVERS	22,330	5,337	4,349	3,218
CASHIERS	30,000	6,270	4,410	3,854
CHILDCARE WORKERS	3,060	2,029	690	463
COOKS, DISHWASHERS AND FOOD PREPARERS	56,010	12,938	9,494	8,983
FACTORY AND PACKAGING	15,450	3,893	1,711	N/A
GENERAL CONSTRUCTION	19,270	2,023	3,184	2,777
HOME HEALTH AIDES	21,650	3,789	4,476	4,306
MAIDS AND HOUSEKEEPERS	6,950	2,050	N/A	N/A
RETAIL SALESPERSON AND TELLERS	43,540	12,278	8,294	6,130
SECURITY GUARDS	10,190	1,630	N/A	N/A
SEWING AND GARMENT WORKERS	870	376	152	120
STOCK/OFFICE CLERKS & COURIERS	63,170	11,434	13,582	10,645
WAITERS, CAFETERIA WORKERS, AND BARTENDERS	39,080	3,322	7,611	5,855
<b>TOTAL</b>	<b>357,750</b>	<b>74,623</b>	<b>62,664</b>	<b>50,225</b>

**Includes data from Allegheny, Armstrong, Beaver, Butler, Fayette, Washington, and Westmoreland Counties, PA**

**Reading, PA**<sup>138</sup>

<b>OCCUPATION</b>	<b>INDIVIDUALS EMPLOYED IN OCCUPATION</b>	<b>ESTIMATE OF WORKERS EXPERIENCING MIN WAGE VIOLATIONS</b>	<b>ESTIMATE OF WORKERS EXPERIENCING OVER TIME VIOLATIONS</b>	<b>ESTIMATE OF WORKERS EXPERIENCING OFF-THE-CLOCK VIOLATIONS</b>
BEAUTY, DRY CLEANING & GENERAL REPAIR	340	168	70	N/A
BUILDING SERVICES AND GROUNDS WORKERS	3,610	939	643	576
CAR WASH WORKERS, PARKING LOT ATTENDANTS AND DRIVERS	1,700	406	331	245
CASHIERS	4,600	961	676	591
CHILDCARE WORKERS	450	298	101	68
COOKS, DISHWASHERS AND FOOD PREPARERS	7,330	1,693	1,242	1,176
FACTORY AND PACKAGING	2,520	635	279	N/A
GENERAL CONSTRUCTION	4,280	449	707	617
HOME HEALTH AIDES	3,590	628	742	714
MAIDS AND HOUSEKEEPERS	1,160	342	N/A	N/A
RETAIL SALESPERSON AND TELLERS	6,290	1,774	1,198	886
SECURITY GUARDS	830	133	N/A	N/A
SEWING AND GARMENT WORKERS	580	251	101	80
STOCK/OFFICE CLERKS & COURIERS	6,070	1,099	1,305	1,023
WAITERS, CAFETERIA WORKERS, AND BARTENDERS	5,880	500	1,145	881
TEACHER'S ASSISTANTS	1,680	72	N/A	N/A
<b>TOTAL</b>	<b>50,910</b>	<b>10,349</b>	<b>8,542</b>	<b>6,856</b>

**Includes data from Berks County, PA**

**Scranton-Wilkes-Barre, PA**<sup>139</sup>

<b>OCCUPATION</b>	<b>INDIVIDUALS EMPLOYED IN OCCUPATION</b>	<b>ESTIMATE OF WORKERS EXPERIENCING MIN WAGE VIOLATIONS</b>	<b>ESTIMATE OF WORKERS EXPERIENCING OVER TIME VIOLATIONS</b>	<b>ESTIMATE OF WORKERS EXPERIENCING OFF-THE-CLOCK VIOLATIONS</b>
BEAUTY, DRY CLEANING & GENERAL REPAIR	610	302	125	N/A
BUILDING SERVICES AND GROUNDS WORKERS	3,840	998	684	612
CAR WASH WORKERS, PARKING LOT ATTENDANTS AND DRIVERS	660	158	129	95
CASHIERS	7,810	1,632	1,148	1,003
CHILDCARE WORKERS	1,130	749	255	171
COOKS, DISHWASHERS AND FOOD PREPARERS	11,750	2,714	1,992	1,884
FACTORY AND PACKAGING	7,560	1,905	837	N/A
GENERAL CONSTRUCTION	180	19	30	26
HOME HEALTH AIDES	5,120	896	1,059	1,018
MAIDS AND HOUSEKEEPERS	2,150	634	N/A	N/A
RETAIL SALESPERSON AND TELLERS	8,700	2,453	1,657	1,225
SECURITY GUARDS	1,610	258	N/A	N/A
SEWING AND GARMENT WORKERS	370	160	65	51
STOCK/OFFICE CLERKS & COURIERS	8,520	1,542	1,832	1,436
WAITERS, CAFETERIA WORKERS, AND BARTENDERS	7,640	649	1,488	1,145
<b>TOTAL</b>	<b>67,650</b>	<b>15,070</b>	<b>11,299</b>	<b>8,667</b>

**Includes data from Lackawanna, Luzerne, and Wyoming Counties, PA**

**State College, PA<sup>140</sup>**

OCCUPATION	INDIVIDUALS EMPLOYED IN OCCUPATION	ESTIMATE OF WORKERS EXPERIENCING MIN WAGE VIOLATIONS	ESTIMATE OF WORKERS EXPERIENCING OVER TIME VIOLATIONS	ESTIMATE OF WORKERS EXPERIENCING OFF-THE-CLOCK VIOLATIONS
BEAUTY, DRY CLEANING & GENERAL REPAIR	100	50	20	N/A
BUILDING SERVICES AND GROUNDS WORKERS	1,580	411	281	252
CAR WASH WORKERS, PARKING LOT ATTENDANTS AND DRIVERS	1,280	306	249	184
CASHIERS	1,800	376	265	231
CHILDCARE WORKERS	260	172	59	39
COOKS, DISHWASHERS AND FOOD PREPARERS	3,440	795	583	552
FACTORY AND PACKAGING	260	66	29	0
GENERAL CONSTRUCTION	1,280	134	212	184
HOME HEALTH AIDES	930	163	192	185
MAIDS AND HOUSEKEEPERS	550	162	0	0
RETAIL SALESPERSON AND TELLERS	2,710	764	516	382
SECURITY GUARDS	280	45	N/A	0
STOCK/OFFICE CLERKS & COURIERS	4,230	766	909	713
WAITERS, CAFETERIA WORKERS, AND BARTENDERS	2,870	244	559	430
<b>TOTAL</b>	<b>21,570</b>	<b>4,453</b>	<b>3,875</b>	<b>3,153</b>

**Includes data from Centre County, PA**

**Williamsport, PA**<sup>141</sup>

<b>OCCUPATION</b>	<b>INDIVIDUALS EMPLOYED IN OCCUPATION</b>	<b>ESTIMATE OF WORKERS EXPERIENCING MIN WAGE VIOLATIONS</b>	<b>ESTIMATE OF WORKERS EXPERIENCING OVER TIME VIOLATIONS</b>	<b>ESTIMATE OF WORKERS EXPERIENCING OFF-THE-CLOCK VIOLATIONS</b>
BEAUTY, DRY CLEANING & GENERAL REPAIR	50	25	10	N/A
BUILDING SERVICES AND GROUNDS WORKERS	860	224	153	137
CAR WASH WORKERS, PARKING LOT ATTENDANTS AND DRIVERS	890	213	173	128
CASHIERS	1,600	334	235	206
CHILDCARE WORKERS	330	219	74	50
COOKS, DISHWASHERS AND FOOD PREPARERS	2,830	654	480	454
FACTORY AND PACKAGING	550	139	61	N/A
GENERAL CONSTRUCTION	1,120	118	185	161
HOME HEALTH AIDES	900	158	186	179
MAIDS AND HOUSEKEEPERS	260	77	N/A	N/A
RETAIL SALESPERSON AND TELLERS	2,320	654	442	327
SECURITY GUARDS	410	66	N/A	N/A
STOCK/OFFICE CLERKS & COURIERS	3,010	545	647	507
WAITERS, CAFETERIA WORKERS, AND BARTENDERS	1,450	123	282	217
TEACHER'S ASSISTANTS	390	17	N/A	N/A
<b>TOTAL</b>	<b>16,970</b>	<b>3,563</b>	<b>2,930</b>	<b>2,366</b>

**Includes data from Lycoming County, PA**

**York-Hanover, PA**<sup>142</sup>

OCCUPATION	INDIVIDUALS EMPLOYED IN OCCUPATION	ESTIMATE OF WORKERS EXPERIENCING MIN WAGE VIOLATIONS	ESTIMATE OF WORKERS EXPERIENCING OVER TIME VIOLATIONS	ESTIMATE OF WORKERS EXPERIENCING OFF-THE-CLOCK VIOLATIONS
BEAUTY, DRY CLEANING & GENERAL REPAIR	320	158	66	N/A
BUILDING SERVICES AND GROUNDS WORKERS	3,810	991	678	608
CAR WASH WORKERS, PARKING LOT ATTENDANTS AND DRIVERS	2,510	600	489	362
CASHIERS	5,050	1,055	742	649
CHILDCARE WORKERS	510	338	115	77
COOKS, DISHWASHERS AND FOOD PREPARERS	9,350	2,160	1,585	1,500
FACTORY AND PACKAGING	3,040	766	337	N/A
GENERAL CONSTRUCTION	340	36	56	49
HOME HEALTH AIDES	1,850	324	382	368
MAIDS AND HOUSEKEEPERS	590	174	N/A	N/A
RETAIL SALESPERSON AND TELLERS	7,470	2,107	1,423	1,052
SECURITY GUARDS	970	155	N/A	N/A
SEWING AND GARMENT WORKERS	130	56	23	18
STOCK/OFFICE CLERKS & COURIERS	5,640	1,021	1,213	950
WAITERS, CAFETERIA WORKERS, AND BARTENDERS	4,250	361	828	637
TEACHER'S ASSISTANTS	1,710	74	N/A	N/A
<b>TOTAL</b>	<b>47,540</b>	<b>10,375</b>	<b>7,936</b>	<b>6,269</b>

**Includes data from York County, PA**



**Far Western Pennsylvania Nonmetropolitan Area<sup>143</sup>**

OCCUPATION	INDIVIDUALS EMPLOYED IN OCCUPATION	ESTIMATE OF WORKERS EXPERIENCING MIN WAGE VIOLATIONS	ESTIMATE OF WORKERS EXPERIENCING OVER TIME VIOLATIONS	ESTIMATE OF WORKERS EXPERIENCING OFF-THE-CLOCK VIOLATIONS
BEAUTY, DRY CLEANING & GENERAL REPAIR	150	74	31	N/A
BUILDING SERVICES AND GROUNDS WORKERS	3,770	980	671	601
CAR WASH WORKERS, PARKING LOT ATTENDANTS AND DRIVERS	3,560	851	693	513
CASHIERS	4,130	863	607	531
CHILDCARE WORKERS	610	404	138	92
COOKS, DISHWASHERS AND FOOD PREPARERS	8,140	1,880	1,380	1,305
FACTORY AND PACKAGING	2,360	595	261	N/A
GENERAL CONSTRUCTION	2,340	246	387	337
HOME HEALTH AIDES	4,090	716	846	813
MAIDS AND HOUSEKEEPERS	810	239	N/A	N/A
RETAIL SALESPERSON AND TELLERS	7,650	2,157	1,457	1,077
SECURITY GUARDS	510	82	N/A	N/A
SEWING AND GARMENT WORKERS	50	22	9	7
STOCK/OFFICE CLERKS & COURIERS	8,160	1,477	1,754	1,375
WAITERS, CAFETERIA WORKERS, AND BARTENDERS	4,580	389	892	686
TEACHER'S ASSISTANTS	1,450	650	N/A	N/A
<b>TOTAL</b>	<b>52,360</b>	<b>11,625</b>	<b>9,126</b>	<b>7,339</b>

**Includes data from Clarion, Crawford, Forest, Greene, Indiana, Lawrence, Venango, and Warren Counties, PA**

**West-Central Pennsylvania Nonmetropolitan Area**<sup>144</sup>

<b>OCCUPATION</b>	<b>INDIVIDUALS EMPLOYED IN OCCUPATION</b>	<b>ESTIMATE OF WORKERS EXPERIENCING MIN WAGE VIOLATIONS</b>	<b>ESTIMATE OF WORKERS EXPERIENCING OVER TIME VIOLATIONS</b>	<b>ESTIMATE OF WORKERS EXPERIENCING OFF-THE-CLOCK VIOLATIONS</b>
BEAUTY, DRY CLEANING & GENERAL REPAIR	570	282	117	N/A
BUILDING SERVICES AND GROUNDS WORKERS	3,680	957	655	587
CAR WASH WORKERS, PARKING LOT ATTENDANTS AND DRIVERS	3,440	822	670	496
CASHIERS	4,710	984	692	605
CHILDCARE WORKERS	660	438	149	100
COOKS, DISHWASHERS AND FOOD PREPARERS	8,560	1,977	1,451	1,373
FACTORY AND PACKAGING	3,400	857	377	N/A
GENERAL CONSTRUCTION	3,200	336	529	461
HOME HEALTH AIDES	3,750	656	775	746
MAIDS AND HOUSEKEEPERS	1,270	375	N/A	N/A
RETAIL SALESPERSON AND TELLERS	5,920	1,669	1,128	834
SECURITY GUARDS	290	46	N/A	N/A
SEWING AND GARMENT WORKERS	260	112	45	36
STOCK/OFFICE CLERKS & COURIERS	7,920	1,434	1,703	1,335
WAITERS, CAFETERIA WORKERS, AND BARTENDERS	4,790	407	933	718
TEACHER'S ASSISTANTS	1,630	650	N/A	N/A
<b>TOTAL</b>	<b>54,050</b>	<b>12,003</b>	<b>9,223</b>	<b>7,289</b>

**Includes data from Bedford, Cameron, Clearfield, Clinton, Elk, Fulton, Huntingdon, Jefferson, McKean, Potter, and Somerset Counties, PA**

**Northeastern Pennsylvania Nonmetropolitan Area**<sup>145</sup>

<b>OCCUPATION</b>	<b>INDIVIDUALS EMPLOYED IN OCCUPATION</b>	<b>ESTIMATE OF WORKERS EXPERIENCING MIN WAGE VIOLATIONS</b>	<b>ESTIMATE OF WORKERS EXPERIENCING OVER TIME VIOLATIONS</b>	<b>ESTIMATE OF WORKERS EXPERIENCING OFF-THE-CLOCK VIOLATIONS</b>
BEAUTY, DRY CLEANING & GENERAL REPAIR	320	158	66	N/A
BUILDING SERVICES AND GROUNDS WORKERS	3,200	832	570	510
CAR WASH WORKERS, PARKING LOT ATTENDANTS AND DRIVERS	2,320	554	452	334
CASHIERS	5,160	1,078	759	663
CHILDCARE WORKERS	550	365	124	83
COOKS, DISHWASHERS AND FOOD PREPARERS	7,710	1,781	1,307	1,237
FACTORY AND PACKAGING	1,440	363	159	N/A
HOME HEALTH AIDES	2,980	522	616	593
MAIDS AND HOUSEKEEPERS	1,350	398	N/A	N/A
RETAIL SALESPERSON AND TELLERS	7,170	2,022	1,366	1,010
SECURITY GUARDS	740	118	N/A	N/A
STOCK/OFFICE CLERKS & COURIERS	4,870	881	1,047	821
WAITERS, CAFETERIA WORKERS, AND BARTENDERS	5,410	460	1,054	811
<b>TOTAL</b>	<b>43,220</b>	<b>9,533</b>	<b>7,518</b>	<b>6,061</b>

**Includes data from Bradford, Columbia, Monroe, Sullivan, Susquehanna, Tioga, and Wayne Counties, PA**

**East Central Pennsylvania Nonmetropolitan Area**<sup>146</sup>

<b>OCCUPATION</b>	<b>INDIVIDUALS EMPLOYED IN OCCUPATION</b>	<b>ESTIMATE OF WORKERS EXPERIENCING MIN WAGE VIOLATIONS</b>	<b>ESTIMATE OF WORKERS EXPERIENCING OVER TIME VIOLATIONS</b>	<b>ESTIMATE OF WORKERS EXPERIENCING OFF-THE-CLOCK VIOLATIONS</b>
BEAUTY, DRY CLEANING & GENERAL REPAIR	370	183	76	N/A
BUILDING SERVICES AND GROUNDS WORKERS	4,540	1,180	808	724
CAR WASH WORKERS, PARKING LOT ATTENDANTS AND DRIVERS	4,180	999	814	602
CASHIERS	6,530	1,365	960	839
CHILDCARE WORKERS	790	524	178	120
COOKS, DISHWASHERS AND FOOD PREPARERS	13,300	3,072	2,254	2,133
FACTORY AND PACKAGING	3,480	877	385	N/A
GENERAL CONSTRUCTION	7,330	770	1,211	1,056
HOME HEALTH AIDES	4,990	873	1,032	992
MAIDS AND HOUSEKEEPERS	2,020	596	N/A	N/A
RETAIL SALESPERSON AND TELLERS	8,660	2,442	1,650	1,219
SECURITY GUARDS	600	96	N/A	N/A
SEWING AND GARMENT WORKERS	500	216	87	69
STOCK/OFFICE CLERKS & COURIERS	11,580	2,096	2,490	1,951
WAITERS, CAFETERIA WORKERS, AND BARTENDERS	8,040	683	1,566	1,205
<b>TOTAL</b>	<b>76,910</b>	<b>15,973</b>	<b>13,511</b>	<b>10,911</b>

**Includes data from Adams, Franklin, Juniata, Mifflin, Montour, Northumberland, Schuylkill, Snyder, and Union Counties, PA**

## APPENDIX C

### PENNSYLVANIA AND OUT-OF-STATE REGIONAL ESTIMATES OF WAGE THEFT

#### Allentown-Bethlehem-Easton, PA-NJ<sup>147</sup> (Pennsylvania Workers Only)

OCCUPATION	INDIVIDUALS EMPLOYED IN OCCUPATION	ESTIMATE OF WORKERS EXPERIENCING MIN WAGE VIOLATIONS	ESTIMATE OF WORKERS EXPERIENCING OVER TIME VIOLATIONS	ESTIMATE OF WORKERS EXPERIENCING OFF-THE-CLOCK VIOLATIONS
BEAUTY, DRY CLEANING & GENERAL REPAIR	992	491	203	N/A
BUILDING SERVICES AND GROUNDS WORKERS	6,264	1,629	1,115	999
CAR WASH WORKERS, PARKING LOT ATTENDANTS AND DRIVERS	3,289	786	640	474
CASHIERS	7,917	1,655	1,164	1,017
CHILDCARE WORKERS	1,157	767	261	175
COOKS, DISHWASHERS AND FOOD PREPARERS	14,860	3,433	2,519	2,383
FACTORY AND PACKAGING	19,001	4,788	2,104	N/A
GENERAL CONSTRUCTION	278	29	46	40
HOME HEALTH AIDES	4,968	869	1,027	988
MAIDS AND HOUSEKEEPERS	2,306	680	N/A	N/A
RETAIL SALESPERSON AND TELLERS	11,571	3,263	2,204	1,629
SECURITY GUARDS	1,923	308	N/A	N/A
SEWING AND GARMENT WORKERS	722	312	126	100
STOCK/OFFICE CLERKS & COURIERS	18,035	3,264	3,878	3,039
WAITERS, CAFETERIA WORKERS, AND BARTENDERS	9,448	803	1,840	1,416
<b>TOTAL</b>	<b>102,730</b>	<b>23,077</b>	<b>17,127</b>	<b>12,261</b>

**Includes data from Carbon, Lehigh, and Northampton Counties, PA**

**Newark-Union, NJ-PA Metropolitan Division<sup>148</sup>**  
**(Pennsylvania Workers Only)**

<b>OCCUPATION</b>	<b>INDIVIDUALS EMPLOYED IN OCCUPATION</b>	<b>ESTIMATE OF WORKERS EXPERIENCING MINIMUM WAGE VIOLATIONS</b>	<b>ESTIMATE OF WORKERS EXPERIENCING OVER TIME VIOLATIONS</b>	<b>ESTIMATE OF WORKERS EXPERIENCING OFF-THE-CLOCK VIOLATIONS</b>
BEAUTY, DRY CLEANING & GENERAL REPAIR	155	77	32	N/A
BUILDING SERVICES AND GROUNDS WORKERS	726	189	129	116
CAR WASH WORKERS, PARKING LOT ATTENDANTS AND DRIVERS	448	107	87	65
CASHIERS	565	118	83	73
CHILDCARE WORKERS	113	75	25	17
COOKS, DISHWASHERS AND FOOD PREPARERS	808	187	137	130
FACTORY AND PACKAGING	904	228	100	N/A
GENERAL CONSTRUCTION	925	97	153	133
HOME HEALTH AIDES	251	44	52	50
MAIDS AND HOUSEKEEPERS	152	45	N/A	N/A
RETAIL SALESPERSON AND TELLERS	869	245	166	122
SECURITY GUARDS	343	55	N/A	N/A
SEWING AND GARMENT WORKERS	35	15	6	5
STOCK/OFFICE CLERKS & COURIERS	2032	368	437	343
WAITERS, CAFETERIA WORKERS, AND BARTENDERS	514	44	100	77
<b>TOTAL</b>	<b>8,838</b>	<b>1,892</b>	<b>1,507</b>	<b>1,129</b>

**Includes data from Pike County, PA**

**Youngstown-Warren-Boardman, OH-PA<sup>149</sup>**  
**(Pennsylvania Workers Only)**

<b>OCCUPATION</b>	<b>INDIVIDUALS EMPLOYED IN OCCUPATION</b>	<b>ESTIMATE OF WORKERS EXPERIENCING MIN WAGE VIOLATIONS</b>	<b>ESTIMATE OF WORKERS EXPERIENCING OVER TIME VIOLATIONS</b>	<b>ESTIMATE OF WORKERS EXPERIENCING OFF-THE-CLOCK VIOLATIONS</b>
BEAUTY, DRY CLEANING & GENERAL REPAIR	104	51	21	N/A
BUILDING SERVICES AND GROUNDS WORKERS	859	223	153	137
CAR WASH WORKERS, PARKING LOT ATTENDANTS AND DRIVERS	577	138	112	83
CASHIERS	1,298	271	191	167
CHILDCARE WORKERS	183	121	41	28
COOKS, DISHWASHERS AND FOOD PREPARERS	3,024	699	513	485
FACTORY AND PACKAGING	514	130	57	N/A
GENERAL CONSTRUCTION	958	101	158	138
HOME HEALTH AIDES	861	151	178	171
MAIDS AND HOUSEKEEPERS	338	100	N/A	N/A
RETAIL SALESPERSON AND TELLERS	2,184	616	416	307
SECURITY GUARDS	307	49	N/A	N/A
SEWING AND GARMENT WORKERS	75	32	13	10
STOCK/OFFICE CLERKS & COURIERS	1,267	229	272	214
WAITERS, CAFETERIA WORKERS, AND BARTENDERS	1,643	140	320	246
<b>TOTAL</b>	<b>14,190</b>	<b>3,050</b>	<b>2,446</b>	<b>1,986</b>

**Includes data from Mercer County, PA**

## APPENDIX D PHILADELPHIA ESTIMATES OF WAGE THEFT

(Data from Pennsylvania's Department of Labor & Industry)<sup>150</sup>

OCCUPATION	INDIVIDUALS EMPLOYED IN OCCUPATION	ESTIMATE OF WORKERS EXPERIENCING MIN WAGE VIOLATIONS	ESTIMATE OF WORKERS EXPERIENCING OVER TIME VIOLATIONS	ESTIMATE OF WORKERS EXPERIENCING OFF-THE-CLOCK VIOLATIONS
CAR WASH WORKERS, PARKING LOT ATTENDANTS AND DRIVERS	7,440	1,778	1,449	1,072
CASHIERS	14,940	3,122	2,196	1,919
CHILDCARE WORKERS	7,360	4,880	1,660	5,064
COOKS, DISHWASHERS AND FOOD PREPARERS	29,130	6,729	4,938	4,672
HOME HEALTH AIDES	16,990	2,973	3,513	3,379
MAIDS AND HOUSEKEEPERS	5,990	1,767	N/A	N/A
RETAIL SALESPERSON AND TELLERS	17,410	4,910	3,317	2,451
SECURITY GUARDS	8,960	1,434	N/A	N/A
STOCK/OFFICE CLERKS & COURIERS	39,120	7,081	8,411	6,593
WAITERS, CAFETERIA WORKERS, AND BARTENDERS	20,720	1,761	4,035	3,104
<b>TOTAL</b>	<b>168,060</b>	<b>36,435</b>	<b>29,518</b>	<b>28,255</b>



## **APPENDIX E**

### **RIGHT-TO-KNOW REQUEST WITH PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY**

In 2014, the Sheller Center submitted a Right-to-Know request with the Pennsylvania Department of Labor and Industry (DLI) to obtain information about enforcement of the wage and hour laws by the Bureau of Labor Law Compliance (BLLC). We requested information about: (1) compliance reports, (2) staffing and financials, (3) written procedures and forms, and (4) aggregate data about its enforcement program. All documents are on file with the Sheller Center.

#### **BLLC COMPLIANCE REPORTS**

We obtained various reports from BLLC from 2010 to 2013 about their enforcement program.

#### **BLLC STAFFING AND FINANCIALS**

BLLC provided an organizational chart but had no documents about the funds specifically allocated to wage and hour enforcement.

#### **BLLC PROCEDURES AND FORMS**

We requested all current training materials, handbooks, or instructions on how potential claims under the wage and hour laws are processed, investigated, classified, assessed or evaluated including topics such as: (1) handling limited English proficient (no or little understanding of English) claimants; (2) prioritizing claims; (3) conducting on-site field investigations of employers; (4) referring to outside organizations or attorneys; (5) undertaking investigations initiated without a claim; (6) issuing monetary or non-monetary penalties; and (7) initiating criminal or civil actions. We also requested any training materials, handbooks, or instructions on outreach/education efforts for workers about the wage and hour laws. Finally, we requested a copy of all the form letters that are sent out to claimants.

BLLC provided two memos about the procedure for processing wage and hour claims. BLLC responded that it had no other documents, outside of the materials on their website, that were responsive to handling limited English proficient claimants, referring to outside organizations or attorneys, undertaking investigations initiated without a claim, or issuing monetary or non-monetary penalties. With respect to training materials, BLLC withheld materials created by legal staff on the basis of attorney-client privilege (including two power point presentations for their investigators about collecting judgments and a legal referral checklist). BLLC had no written materials providing instructions to their staff about outreach or education efforts.

#### **AGGREGATE DATA RELATED TO WAGE AND HOUR ENFORCEMENT**

We requested certain aggregate data about the type of claims, the processing time for claims, and the outcome of claims. Apart from the generalized compliance and collection reports, BLLC had no other readily available aggregate data (because it would require compiling “by hand” thousands of investigative files).

## ENDNOTES

<sup>1</sup> ANNETTE BERNHARDT ET AL., *BROKEN LAWS, UNPROTECTED WORKERS: VIOLATIONS OF EMPLOYMENT AND LABOR LAWS IN AMERICA'S CITIES* (2009), available at <http://nelp.org/content/uploads/2015/03/BrokenLawsReport2009.pdf> [hereinafter *BROKEN LAWS*].

<sup>2</sup> *About BLS*, BUREAU OF LABOR STATISTICS <http://www.bls.gov/bls/infohome.htm> (last visited May 5, 2015).

<sup>3</sup> REST. OPPORTUNITIES CTR. OF PHILA., ET AL., *BEHIND THE KITCHEN DOOR: THE HIDDEN REALITY OF PHILADELPHIA'S THRIVING RESTAURANT INDUSTRY 5* (2012), available at <http://rocunited.org/behind-the-kitchen-door-the-hidden-reality-of-philadelphias-thriving-restaurant-industry/> [hereinafter *BEHIND THE KITCHEN DOOR*]; U.S. DEP'T OF LABOR: EMPLOYMENT STANDARDS ADMINISTRATION WAGE AND HOUR DIVISION, *1999-2000 REPORT ON INITIATIVES 8* (2001), available at [http://nelp.3cdn.net/a5c00e8d7415a905dd\\_o4m6ikkkt.pdf](http://nelp.3cdn.net/a5c00e8d7415a905dd_o4m6ikkkt.pdf) [hereinafter *U.S. DOL, REPORT ON INITIATIVES*].

<sup>4</sup> Memorandum from David Heller, Director, Bureau of Labor Law Compliance, to Bryan Smolock, Bureau of Labor Law Compliance, *Money Collections, Averages, and Time to Complete Cases* 4-5, 7-8, 10-11 (Feb. 19, 2014) (on file with the Sheller Center); Monthly Report from the Bureau of Labor Law Compliance (Dec. 2012) (on file with the Sheller Center); *Commonwealth of Pennsylvania Year 2011 Final Report*, Bureau of Labor Law Compliance (Jan. 4, 2011) (on file with the Sheller Center); Yearly Report from the Bureau of Labor Law Compliance (Jan. 3, 2010) (on file with the Sheller Center); see also App. E.

<sup>5</sup> Laura Clawson, *Walmart Ordered to Pay \$188 million in Pennsylvania Wage Theft Lawsuit*, DAILY KOS (Dec. 16, 2014, 2:42 PM), available at <http://www.dailykos.com/story/2014/12/16/1352314/-Walmart-ordered-to-pay-188-million-in-Pennsylvania-wage-theft-lawsuit>. See also *infra* note 55.

<sup>6</sup> *BROKEN LAWS*, *supra* note 1, at 50.

<sup>7</sup> *Id.* at 36.

<sup>8</sup> Wage Payment and Collection Law, 43 P.S. § 260.3. Minimum Wage Act of 1968, 43 P.S. § 333.104.

<sup>9</sup> 43 P.S. § 333.104(a)(1). Pennsylvania's minimum wage currently references the federal minimum wage, 29 U.S.C. § 206(a)(1)(C).

<sup>10</sup> 43 P.S. § 333.105.

<sup>11</sup> Piece rate employees, for example, are paid a fixed rate to produce a unit or action (e.g., factory worker paid per box, mechanic paid per a tune-up, technician paid per telephone line installed).

<sup>12</sup> 43 P.S. § 333.104(c); 34 Pa. Code § 231.41. There are certain workers exempt from overtime, including those in a "bona fide executive, administrative, or professional capacity." 43 P.S. § 333.105.

<sup>13</sup> Interview with Nadia Hewka, Supervising Attorney, Community Legal Services (June. 1, 2015).

<sup>14</sup> The calculation would be as follows: (1) divide \$600 by 60 hours to get her regular rate of \$10/hour; (2) determine her overtime rate, \$10/hour x 1.5 = \$15/hour; and (3) compute the overtime rate owed for the week, 20 hours x (\$15/hour - \$10/hour) = \$100. A worker being underpaid in this way loses \$5,200 annually. Certain agreements between employers and employees may generate different overtime calculations. *Verderame v. RadioShack Corp.*, 31 F. Supp. 3d 702, 707 (E.D. Pa. 2014).

<sup>15</sup> 34 Pa. Code § 9.1.

<sup>16</sup> 43 P.S. § 333.103(d)(2).

<sup>17</sup> *Id.*

<sup>18</sup> *BEHIND THE KITCHEN DOOR*, *supra* note 3, at 5.

<sup>19</sup> *BROKEN LAWS*, *supra* note 1, at 22.

<sup>20</sup> *BEHIND THE KITCHEN DOOR*, *supra* note 3, at 23.

<sup>21</sup> 43 P.S. § 260.3.

<sup>22</sup> Interview with Geoff Gusoff, Organizer, Philadelphia Workers' Association (June. 2, 2015).

<sup>23</sup> Interview with Michael Hollander, Staff Attorney, Community Legal Services (June. 8, 2015).

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> The wage and hour laws do not cover independent contractors. 43 P.S. § 333.103(h); 43 P.S. § 260.2a.

<sup>27</sup> NAT'L EMP'T LAW CTR., *INDEPENDENT CONTRACTOR MISCLASSIFICATION IMPOSES HUGE COSTS ON WORKERS AND FEDERAL AND STATE TREASURIES: A SURVEY OF RESEARCH 1* (2014), available at <http://nelp.org/content/uploads/2010/03/Independent-Contractor-Costs.pdf> [hereinafter *INDEPENDENT CONTRACTOR*].

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- <sup>28</sup> *Misclassification of Employees as Independent Contractors: Hearing on H.B. 2400 Before the H. Comm. on Labor Relations*, 192nd Gen. Assemb., Reg. Sess. 3 (Pa. 2008) (statement of Patrick T. Beaty, Deputy Sec’y for Unemployment Comp. Programs, Pa. Dep’t of Labor and Indus.)  
[http://www.legis.state.pa.us/cfdocs/legis/TR/transcripts/2008\\_0091\\_0001\\_TSTMNY.pdf](http://www.legis.state.pa.us/cfdocs/legis/TR/transcripts/2008_0091_0001_TSTMNY.pdf).
- <sup>29</sup> Interview with Larry Norton, Of Counsel, Community Justice Project (Mar. 27, 2015).
- <sup>30</sup> EUNICE HYUNHYE CHO, ET. AL., *HOLLOW VICTORIES: THE CRISIS IN COLLECTING UNPAID WAGES FOR CALIFORNIA’S WORKERS 2* (2013), available at [http://nelp.3cdn.net/f6fc363a30266f0cd3\\_pzm6id1xa.pdf](http://nelp.3cdn.net/f6fc363a30266f0cd3_pzm6id1xa.pdf) [hereinafter *HOLLOW VICTORIES*].
- <sup>31</sup> Interview with Larry Norton, *supra* note 29.
- <sup>32</sup> Interview with Kati Sipp, Director, Pennsylvania Working Families (Mar. 26, 2015).
- <sup>33</sup> Interview with Larry Norton, *supra* note 29.
- <sup>34</sup> Interview with Mike Donovan, Partner, Donovan Axler, LLC (Mar. 26, 2015).
- <sup>35</sup> See NAT’L EMP’T LAW CTR., *WINNING WAGE JUSTICE: AN ADVOCATE’S GUIDE TO STATE AND CITY POLICIES TO FIGHT WAGE THEFT 50* (2011), available at <http://www.nelp.org/content/uploads/2015/03/WinningWageJustice2011.pdf> [hereinafter *WINNING WAGE JUSTICE*].
- <sup>36</sup> *BEHIND THE KITCHEN DOOR*, *supra* note 3, at 24.
- <sup>37</sup> Interview with Kati Sipp, *supra* note 32.
- <sup>38</sup> *BROKEN LAWS*, *supra* note 1, at 24.
- <sup>39</sup> *Id.* at 25; *HOLLOW VICTORIES*, *supra* note 30, at 6.
- <sup>40</sup> Interview with Mike Donovan, *supra* note 34.
- <sup>41</sup> Interview with Jasmine Rivera, Organizer, Juntos (Mar. 24, 2015).
- <sup>42</sup> See, e.g., 43 P.S. § 333.112(a); *Centeno-Bermuy v. Perry*, 302 F. Supp. 2d 128 (W.D.N.Y. 2003).
- <sup>43</sup> 43 P.S. §§ 260.1-.45; 43 P.S. §§ 333.101 -.115.
- <sup>44</sup> 43 P.S. § 260.10-11a.
- <sup>45</sup> ARIZ. REV. STAT. ANN. § 23-364(G); IDAHO CODE ANN. § 45-615 ; MASS. GEN. LAWS. ch. 149, § 150; WASH. REV. CODE § 49.52.070; see also, *WINNING WAGE JUSTICE*, *supra* note 35, at 20.
- <sup>46</sup> *WINNING WAGE JUSTICE*, *supra* note 35, at 26, 35.
- <sup>47</sup> See *supra* note 4; see also App. E.
- <sup>48</sup> Memorandum from Peter Von Getzie, Acting Director, Bureau of Labor Law Compliance, to All District Supervisors, Bureau of Labor Law Compliance, *Procedure for Investigating WPCL and MWA Complaints* (June. 4, 2013) (on file with the Sheller Center); Memorandum from Peter Von Getzie, Acting Director, Bureau of Labor Law Compliance, to All District Supervisors, Bureau of Labor Law Compliance, *Procedure for Requesting Approval of Wage Payment and Collection Law (WPCL) or Minimum Wage Act (MWA) Civil Complaint with a Magisterial District Judge (MDJ)* (May 2, 2013) (on file with the Sheller Center); see also App. E.
- <sup>49</sup> See App. E.
- <sup>50</sup> U.S. GOV’T ACCOUNTABILITY OFFICE, *HIGHLIGHTS OF GAO-09-629, A REPORT TO THE COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES* (2009), available at <http://www.gao.gov/assets/300/291496.pdf>.
- <sup>51</sup> U.S. GOV’T ACCOUNTABILITY OFFICE, *GAO-09-629, DEP’T OF LABOR: WAGE AND HOUR DIVISION NEEDS IMPROVED INVESTIGATIVE PROCESSES AND ABILITY TO SUSPEND STATUTE OF LIMITATIONS TO BETTER PROTECT WORKERS AGAINST WAGE THEFT 3-4* (2009), available at <http://www.gao.gov/assets/300/291496.pdf>.
- <sup>52</sup> Interview with Peter Winebrake, Partner, Winebrake & Santillo, LLC (Mar. 30, 2015).
- <sup>53</sup> Interview with Marielle Macher, Attorney, Community Justice Project (Mar. 17, 2015).
- <sup>54</sup> Interview with Kati Sipp, *supra* note 32.
- <sup>55</sup> *Braun v. Wal-Mart Stores, Inc.*, 106 A.3d 656, 658 (Pa. 2014), *petition for cert. filed*, (U.S. Mar. 17, 2015) (No. 14-1124). A mathematical error was found in the original judgment of \$187,648,589 reducing it by \$279,000. *Id.* at 658 n.2. The case has been remanded to the trial court for recalculation of the attorney’s fees portion of the judgment. *Id.* at 659.
- <sup>56</sup> Interview with Jasmine Rivera, *supra* note 41.
- <sup>57</sup> Interview with Geoff Gusoff, *supra* note 22.
- <sup>58</sup> Monthly Report from the Bureau of Labor Law Compliance 2 (Dec. 2013) (on file with the Sheller Center); see also App. E.
- <sup>59</sup> U.S. DEP’T OF LABOR, *REPORT ON INITIATIVES*, *supra* note 3.
- <sup>60</sup> *Id.*
- <sup>61</sup> *BEHIND THE KITCHEN DOOR*, *supra* note 3.
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<sup>62</sup> *Id.* at 5.

<sup>63</sup> REST. OPPORTUNITIES CTR. UNITED, NATIONAL EXECUTIVE SUMMARY: BEHIND THE KITCHEN DOOR: A MULTI-SITE STUDY OF THE RESTAURANT INDUSTRY 2 (2011), *available at* [http://rocunited.org/wp-content/uploads/2013/04/reports\\_bkd-multisite.pdf](http://rocunited.org/wp-content/uploads/2013/04/reports_bkd-multisite.pdf).

<sup>64</sup> LINDA BURNHAM & NIK THEODORE, NAT'L DOMESTIC WORKERS ALLIANCE, HOME ECONOMICS: THE INVISIBLE AND UNREGULATED WORLD OF DOMESTIC WORK 18 (2012), *available at* <http://www.domesticworkers.org/homeeconomics/>.

<sup>65</sup> IMMIGRANTS' RIGHTS/INT'L HUMAN RIGHTS CLINIC, SETON HALL UNIV. SCH. OF LAW, ALL WORK AND NO PAY: DAY LABORERS, WAGE THEFT AND WORKPLACE JUSTICE IN NEW JERSEY 2 (2011), *available at* <http://law.shu.edu/ProgramsCenters/PublicIntGovServ/CSJ/loader.cfm?csModule=security/getfile&PageID=177699>.

<sup>66</sup> WORKERS DEF. PROJECT, BUILDING AUSTIN, BUILDING INJUSTICE: WORKING CONDITIONS IN AUSTIN'S CONSTRUCTION INDUSTRY, at II (2009), *available at* [http://buildtexas.org/wp-content/uploads/2013/02/Building\\_Austn\\_Report.pdf](http://buildtexas.org/wp-content/uploads/2013/02/Building_Austn_Report.pdf).

<sup>67</sup> DANIEL KERR & CHRIS DOLE, CHALLENGING EXPLOITATION AND ABUSE: A STUDY OF THE DAY LABOR INDUSTRY IN CLEVELAND 16 (2001), *available at* [http://nelp.3cdn.net/8d0c1c068acab4c5f0\\_9zm6bh9wg.pdf](http://nelp.3cdn.net/8d0c1c068acab4c5f0_9zm6bh9wg.pdf).

<sup>68</sup> ABEL VALENZUELA, ET. AL., ON THE CORNER: DAY LABOR IN THE UNITED STATES, at ii (2006), *available at* [http://www.sscnet.ucla.edu/issr/csup/uploaded\\_files/Natl\\_DayLabor-On\\_the\\_Corner1.pdf](http://www.sscnet.ucla.edu/issr/csup/uploaded_files/Natl_DayLabor-On_the_Corner1.pdf).

<sup>69</sup> *Id.*

<sup>70</sup> BROKEN LAWS, *supra* note 1, at 2.

<sup>71</sup> *Id.* at 2-3.

<sup>72</sup> *Id.* at 11.

<sup>73</sup> *Id.*

<sup>74</sup> *Id.* at 21.

<sup>75</sup> *Id.*

<sup>76</sup> *Id.* at 14. "For example, if a respondent worked five overtime hours but was not paid for those hours, we recorded an overtime violation; once these five hours were "tagged" as unpaid, they did not contribute to any other violation (for example, they could not also trigger a minimum wage violation)." *Id.*

<sup>77</sup> *May 2014 State Occupational Employment and Wage Estimates: Pennsylvania*, BUREAU OF LABOR STATISTICS, [http://www.bls.gov/oes/current/oes\\_pa.htm](http://www.bls.gov/oes/current/oes_pa.htm) (last modified Mar. 25, 2015).

<sup>78</sup> *See* BROKEN LAWS, *supra* note 1, at 31-36.

<sup>79</sup> *Id.* at 21-22.

<sup>80</sup> *See May 2014 State Occupational Employment and Wage Estimates: Pennsylvania*, *supra* note 77.

<sup>81</sup> *See* App. B.

<sup>82</sup> *Id.*

<sup>83</sup> BROKEN LAWS, *supra* note 1, at 2.

<sup>84</sup> *See* App. A.

<sup>85</sup> Interview with Larry Norton, *supra* note 29.

<sup>86</sup> BROKEN LAWS, *supra* note 1, at 50.

<sup>87</sup> *See* App. A.

<sup>88</sup> *See May 2014 State Occupational Employment and Wage Estimates: Pennsylvania*, *supra* note 77; App. A.

<sup>89</sup> Tax Reform Code of 1971 § 302, 72 P.S. § 7302.

<sup>90</sup> INDEPENDENT CONTRACTOR, *supra* note 27, at 3 n.25.

<sup>91</sup> Interview with Larry Norton, *supra* note 29.

<sup>92</sup> 43 P.S. § 260.10.

<sup>93</sup> 43 P.S. § 333.113.

<sup>94</sup> 29 U.S.C. § 216(b).

<sup>95</sup> *See* WINNING WAGE JUSTICE, *supra* note 35, at 11.

<sup>96</sup> *See, e.g.*, San Francisco Admin. Code § 12R7(b).

<sup>97</sup> *See, e.g.*, CAL. LAB. CODE § 2675.2.

<sup>98</sup> *See, e.g.*, CAL. LAB. CODE § 2810.

<sup>99</sup> *The Lien for Unpaid Wages Law*, PUBLIC JUSTICE CTR 1 (Feb. 2013), <http://www.publicjustice.org/uploads/file/pdf/Wage%20Lien%20FAQ%20127Feb2013.pdf>.

<sup>100</sup> Mechanics' Lien Law of 1963 § 301, 49 P.S. § 1301.

<sup>101</sup> 49 P.S. § 1506.

<sup>102</sup> *See* MD. LAB. & EMPL. CODE ANN. § 3-1101.

<sup>103</sup> 43 P.S. § 260.9a(g).

<sup>104</sup> ARIZ. REV. STAT. ANN. § 23-364(H); FLA. STAT. ANN. CONST. ART. X § 24; N.M. STAT. ANN. 1978 § 37-1-5; N.Y. LAB. LAW § 198(3); OR. REV. STAT. § 12.080; WASH. REV. CODE ANN. § 49.48.083(5).

<sup>105</sup> BLLC Organizational Chart, Bureau of Labor Law Compliance (on file with the Sheller Center); *see also* App E.

<sup>106</sup> Monthly Report from the Bureau of Labor Law Compliance (Dec. 2013) (on file with the Sheller Center); *see also* App. E.

<sup>107</sup> *Id.*; Monthly Report from the Bureau of Labor Law Compliance (Dec. 2012); *Commonwealth of Pennsylvania Year 2011 Final Report*, Bureau of Labor Law Compliance (Jan. 4, 2011); Yearly Report from the Bureau of Labor Law Compliance (Jan. 3, 2010).

<sup>108</sup> *See generally* Monthly Report from the Bureau of Labor Law Compliance (Dec. 2013) (on file with the Sheller Center).

<sup>109</sup> COLIN GORDON ET AL. THE IOWA POLICY PROJECT, WAGE THEFT IN IOWA 20 (2012), *available at* <http://www.iowapolicyproject.org/2012docs/120827-wagetheft.pdf>.

<sup>110</sup> Press Release, N.Y. Dep't of Labor, *Labor Dep't Initiative Empowers Ordinary People to Join the Fight Against Wage Theft* (Jan. 26, 2009), *available at* [http://www.labor.ny.gov/pressreleases/2009/Jan26\\_2009.htm](http://www.labor.ny.gov/pressreleases/2009/Jan26_2009.htm).

<sup>111</sup> 43 P.S. § 260.9a.

<sup>112</sup> 45 P.S. § 821(a); 45 P.S. § 763.

<sup>113</sup> COLO. REV. STAT. § 8-4-111.5; 21 VT. STAT. ANN. § 342a; WASH. REV. CODE § 296-310-140..

<sup>114</sup> Interview with Larry Norton, *supra* note 29.

<sup>115</sup> ARIZ. REV. STAT. ANN. § 23-364(C); CAL. LAB. CODE § 1197.5(e); KY. REV. STAT. ANN. § 337.345; 13 N.C. ADMIN. CODE 12.0904.

<sup>116</sup> 43 P.S. § 333.112(a)-(b).

<sup>117</sup> 43 P.S. § 333.112(b).

<sup>118</sup> 43 P.S. § 260.11a(b).

<sup>119</sup> *See* App. E.

<sup>120</sup> *See, e.g.*, 820 ILL. COMP. STAT. 115/14; Andrew Blankstein, *Two Los Angeles Car Wash Owners Sentenced to Jail for Labor Law Violations*, LOS ANGELES TIMES, Aug. 16, 2010, <http://latimesblogs.latimes.com/lanow/2010/08/two-los-angeles-car-wash-owners-sentenced-to-jail-for-labor-law-violations.html>; Haleigh Svoboda, *Texas Cities Step up Prosecution of Wage Theft*, THE TEXAS TRIBUNE, Oct. 31, 2011, <http://www.texastribune.org/2011/10/31/cities-work-make-wage-theft-prosecution-priority/>; Press Release, N.Y. State Attorney Gen.'s Office, Attorney Gen. Cuomo Announces Arrest of Saigon Grill Owners for Scheme to Cheat Workers and Cover up Millions in Illegally Withheld Wages, Dec. 3, 2008, <http://www.ag.ny.gov/press-release/attorney-general-cuomo-announces-arrest-saigon-grill-owners-scheme-cheat-workers-and>.

<sup>121</sup> *May 2014 State Occupational Employment and Wage Estimates: Pennsylvania*, BUREAU OF LABOR STATISTICS, [http://www.bls.gov/oes/current/oes\\_pa.htm](http://www.bls.gov/oes/current/oes_pa.htm) (last modified Mar. 25, 2015).

<sup>122</sup> *About BLS*, BUREAU OF LABOR STATISTICS, <http://www.bls.gov/bls/infhome.htm> (last modified Feb. 2, 2015).

<sup>123</sup> BROKEN LAWS, *supra* note 1, at 56 n.56.

<sup>124</sup> *May 2014 State Occupational Employment and Wage Estimates: Pennsylvania*, BUREAU OF LABOR STATISTICS, [http://www.bls.gov/oes/current/oes\\_pa.htm](http://www.bls.gov/oes/current/oes_pa.htm) (last modified Mar. 25, 2015).

<sup>125</sup> BROKEN LAWS, *supra* note 1, at 31-36.

<sup>126</sup> Due to lack of national data, we were unable to estimate the wage violations for certain occupational groups (denoted as "N/A" in Figure 4).

<sup>127</sup> BLS' Pennsylvania regions include: Allentown-Bethlehem-Easton, PA-NJ; Altoona; Erie; Harrisburg-Carlisle; Johnstown; Lancaster; Lebanon; Newark-Union, NJ-PA Metropolitan Division; New York-Northern New Jersey-Long Island, NY-NJ-PA; Philadelphia Metropolitan Division; Philadelphia-Camden-Wilmington; Pittsburgh; Reading; Scranton-Wilkes Barre; State College; Williamsport; York-Hanover; Youngstown-Warren-Boardman; Far Western Pennsylvania nonmetropolitan area; West Central Pennsylvania nonmetropolitan area; Northeastern Pennsylvania nonmetropolitan area; East Central Pennsylvania nonmetropolitan area. *See May 2014 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates: Pennsylvania*, BUREAU OF LABOR STATISTICS, [http://www.bls.gov/oes/current/oes\\_pa.htm#otherlinks](http://www.bls.gov/oes/current/oes_pa.htm#otherlinks) (last modified Mar. 25, 2015).

<sup>128</sup> *QuickFacts Beta*, UNITED STATES CENSUS BUREAU, <http://www.census.gov/quickfacts/table/PST045214/00> (last visited May 6, 2015).

<sup>129</sup> *Occupation Listing for Philadelphia County, PA (2012 Estimated Employment)*, PA. DEP'T OF LABOR AND INDUS.,

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<sup>130</sup> *May 2014 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates: Altoona, PA*, BUREAU OF LABOR STATISTICS, [http://www.bls.gov/oes/current/oes\\_11020.htm](http://www.bls.gov/oes/current/oes_11020.htm) (last modified Mar. 25, 2015).

<sup>131</sup> *May 2014 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates: Erie, PA*, BUREAU OF LABOR STATISTICS, [http://www.bls.gov/oes/current/oes\\_21500.htm](http://www.bls.gov/oes/current/oes_21500.htm) (last modified Mar. 25, 2015).

<sup>132</sup> *May 2014 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates: Harrisburg-Carlisle, PA*, BUREAU OF LABOR STATISTICS, [http://www.bls.gov/oes/current/oes\\_25420.htm](http://www.bls.gov/oes/current/oes_25420.htm) (last modified Mar. 25, 2015).

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<sup>136</sup> *May 2014 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates: Philadelphia, PA Metropolitan Division*, BUREAU OF LABOR STATISTICS, [http://www.bls.gov/oes/current/oes\\_37964.htm](http://www.bls.gov/oes/current/oes_37964.htm) (last modified Mar. 25, 2015).

<sup>137</sup> *May 2014 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates: Pittsburgh, PA*, BUREAU OF LABOR STATISTICS, [http://www.bls.gov/oes/current/oes\\_38300.htm](http://www.bls.gov/oes/current/oes_38300.htm) (last modified Mar. 25, 2015).

<sup>138</sup> *May 2014 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates: Reading, PA*, BUREAU OF LABOR STATISTICS, [http://www.bls.gov/oes/current/oes\\_39740.htm](http://www.bls.gov/oes/current/oes_39740.htm) (last modified Mar. 25, 2015).

<sup>139</sup> *May 2014 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates: Scranton--Wilkes-Barre, PA*, BUREAU OF LABOR STATISTICS, [http://www.bls.gov/oes/current/oes\\_42540.htm](http://www.bls.gov/oes/current/oes_42540.htm) (last modified Mar. 25, 2015).

<sup>140</sup> *May 2014 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates: State College, PA*, BUREAU OF LABOR STATISTICS, [http://www.bls.gov/oes/current/oes\\_44300.htm](http://www.bls.gov/oes/current/oes_44300.htm) (last modified Mar. 25, 2015).

<sup>141</sup> *May 2014 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates: Williamsport, PA*, BUREAU OF LABOR STATISTICS, [http://www.bls.gov/oes/current/oes\\_48700.htm](http://www.bls.gov/oes/current/oes_48700.htm) (last modified Mar. 25, 2015).

<sup>142</sup> *May 2014 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates: York-Hanover, PA*, BUREAU OF LABOR STATISTICS, [http://www.bls.gov/oes/current/oes\\_49620.htm](http://www.bls.gov/oes/current/oes_49620.htm) (last modified Mar. 25, 2015).

<sup>143</sup> *May 2014 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates: Far Western Pennsylvania nonmetropolitan area*, BUREAU OF LABOR STATISTICS, [http://www.bls.gov/oes/current/oes\\_4200001.htm](http://www.bls.gov/oes/current/oes_4200001.htm) (last modified Mar. 25, 2015).

<sup>144</sup> *May 2014 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates: West Central Pennsylvania nonmetropolitan area*, BUREAU OF LABOR STATISTICS, [http://www.bls.gov/oes/current/oes\\_4200002.htm](http://www.bls.gov/oes/current/oes_4200002.htm) (last modified Mar. 25, 2015).

<sup>145</sup> *May 2014 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates: Northeastern Pennsylvania nonmetropolitan area*, BUREAU OF LABOR STATISTICS, [http://www.bls.gov/oes/current/oes\\_4200003.htm](http://www.bls.gov/oes/current/oes_4200003.htm) (last modified Mar. 25, 2015).

<sup>146</sup> *May 2014 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates: East Central Pennsylvania nonmetropolitan area*, BUREAU OF LABOR STATISTICS, [http://www.bls.gov/oes/current/oes\\_4200004.htm](http://www.bls.gov/oes/current/oes_4200004.htm) (last modified Mar. 25, 2015).

<sup>147</sup> *May 2014 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates: Allentown-Bethlehem-Easton, PA-NJ*, BUREAU OF LABOR STATISTICS, [http://www.bls.gov/oes/current/oes\\_10900.htm](http://www.bls.gov/oes/current/oes_10900.htm) (last modified Mar. 25, 2015).

<sup>148</sup> *May 2014 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates: Newark-Union, NJ-PA*, BUREAU OF LABOR STATISTICS, [http://www.bls.gov/oes/current/oes\\_35084.htm](http://www.bls.gov/oes/current/oes_35084.htm) (last modified Mar. 25, 2015).

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<sup>149</sup> *May 2014 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates: Youngstown-Warren-Boardman, OH-PA*, BUREAU OF LABOR STATISTICS, [http://www.bls.gov/oes/current/oes\\_49660.htm](http://www.bls.gov/oes/current/oes_49660.htm) (last modified Mar. 25, 2015).

<sup>150</sup> *See Occupation Listing for Philadelphia County, PA*, *supra* note 127.

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