

Settlement Negotiations and Collections

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Guiding Principles:

- Discuss it early and often
- Complete remedy to workers
- Consider creative alternatives

Steps:

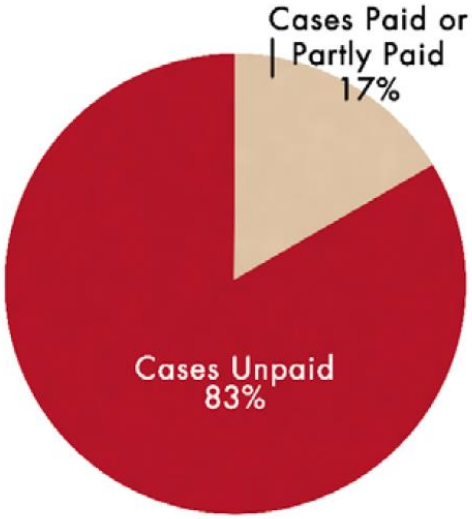
- Case facts
- Remedies due to workers
- Remedy package including penalties
- Negotiate with parties

Settlement Terms:

- Violation
- Complete compliance
- Financial remedies and notice to employees
- Policy changes
- Proof of compliance and Compliance monitoring
- Employer training (employee too)
- General - final terms

Collections: Challenges

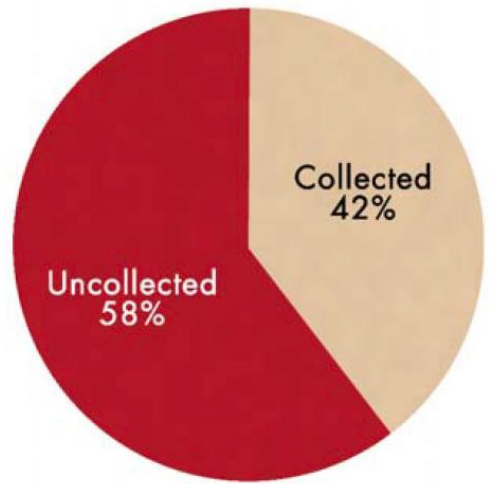
Figure 4. Number of Cases Where Workers Recovered Any Payment After Prevailing with the DLSE, 2008-2011



Total Cases	18,683
Cases Paid or Partly Paid	3,084 (17%)
Cases Remaining Unpaid	15,999 (83%)

Source: Division of Labor Standards Enforcement Judgment Collections Data, 2008-2011, all offices. Data set available upon request.

Figure 6. Amount of Unpaid Wages Collected, All Claims
(Includes Collections After Settlement Conferences, Hearings, and Hearing Appeals)

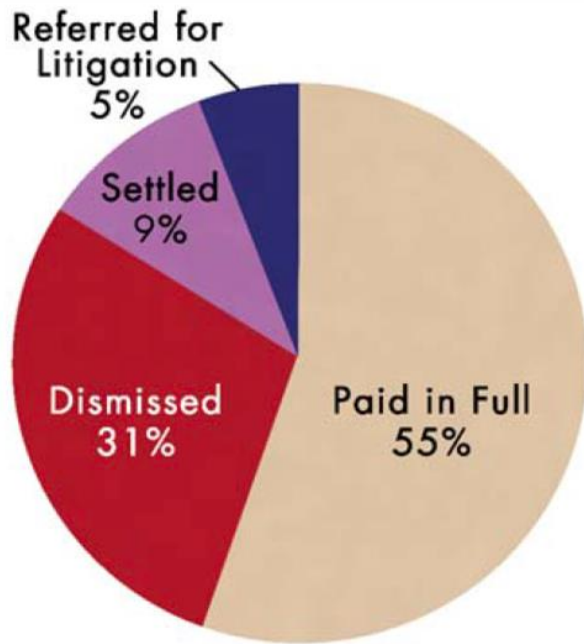


Total Claimed Wages	\$390,045,972
Collected	\$164,687,907 (42%)
Uncollected	\$225,358,066 (58%)

Source: Division of Labor Standards Enforcement Case Data 2008-2011, all offices. Data set available upon request.

Collections, cont'd: Replicable Examples of Success

Wisconsin Wage Claim Outcomes 2007-2012



Source: Wisconsin Department of Workforce Development Wage Claim Data 2007-2012, all offices. Data set available upon request.

Municipal Wage Claim Outcomes

S.F. FY '13 - '14	Seattle FY '16	L.A. FY '15 - '16
Paid in Full 83%	83% MW and OT collected	Paid in full 90+%
2 delinquent payment plans	100% Paid Sick amount due collected	1 outstanding settlement

Collections, cont'd: Replicable Examples of Success

Stronger Legal Tools

1. Name every person you can:
 - a. individuals
 - b. joint employers
 - c. shareholders, officers, etc.
2. Hefty penalties/fines with flexibility to waive
3. Liens as early as possible (pre-judgment)
4. Bonds
5. Mail levies
6. Revoke licenses, permits, debar

Stronger Processes

1. Smart strategies
 - a. Never settle for < full back wages
 - b. Negotiate & monitor pymnt. plans
 - c. Name every defendant you can
2. Asset research + Speed: Nonpayment happens when employers go out of business
3. Partnerships
 - a. CBO
 - b. State/DOL
 - c. City Attorney, County Counsel
 - d. Department of Public Health



Tremendous Impact of the Worker Rights Community Collaborative

Recoveries by Source of the Complaint

