

COLLECTIONS OVERVIEW

Once an agency determines that a worker is owed money, it seeks to recover that money. But collecting wages and damages can be incredibly challenging. According to a POLITICO survey of 15 states, agencies recover just 59 percent of the wages that employers are ordered to pay back.¹

Agencies do most of their collections through settlements and employers' voluntary payments after the agency issues a finding that workers are owed money. The agency's likelihood to collect money depends on the tools they have and use.

An agency is unlikely to have every tool we discuss. However, there might be some tools available that it is not yet utilizing to recover wages and other damages for workers. Additionally, agencies can work with community partners and legislators to explore incorporating additional tools when passing or amending legislation.

WHAT'S IN YOUR TOOLBOX?

In the context of labor standards, **collections** describes all methods used to recover money owed to workers. Think of workers as creditors who have offered their service on credit. While the collections process is commonly thought to start after a judgment is made, it should actually begin the moment the worker asks their employer for unpaid wages. Recovering owed wages and damages can include settlements, where the agency and employer reach an agreement to resolve the claim. It can also include voluntary payments, seizing funds or assets to satisfy debts, and recovering from another person or entity.

Pre-judgment enforcement mechanisms are tools used prior to the conclusion of the enforcement action to seize or preserve assets or income. Pre-judgment enforcement tools are some of the most effective. Assets secured in pre-judgment actions create negotiating leverage, rendering employers more likely to agree to settle or pay voluntarily when the investigation concludes. They can also be used to pay workers if the employer refuses. Additionally, if assets or income are seized early in the enforcement action, they will likely be protected if the employer tries to transfer or hide the assets or files for bankruptcy.²

One of the most powerful collections tools is a wage lien that can be instated immediately following the filing of a wage complaint. **Pre-judgment wage liens** can protect assets from transfer and bankruptcy during the investigation and settlement, leading to higher collections rates against bad-faith and failing businesses. If no violation is established when the investigation ends, the assets or income are returned

to the employer. If money is owed to workers, the assets or income will be used to collect payment.

Post-judgment enforcement mechanisms can be used when employers refuse to pay workers despite the agency's determination that money is owed. These mechanisms are a last resort in the collections process to place pressure on employers.

Post-judgment tools like **levies** and **liens** allow agencies to take employers' assets to pay what they owe. For example, an agency could use a court order to obtain the money from an employer's bank account. The agency could also obtain a stop order until the employer complies with the judgment. Other tools are used to apply pressure to employers through nonmonetary means, including license revocation and "naming and shaming"—publicizing the employer's name and non-compliance to incentivize payment.

When used exclusively, post-judgment tools are less successful because the employer has the entirety of the enforcement action to transfer or sell their business or assets. Combining post-judgment and pre-judgment tools will increase the agency's chance of successful recovery.

CREATING YOUR COLLECTIONS STRATEGY

Agencies do most of their collections through settlements and employers' voluntary payments after the agency issues a finding that workers are owed money. When those methods do not work, agencies have four nonexclusive strategies to collect damages for workers:

1. **Penalize the employer.** Typically, this strategy takes the form of treble damages, fines, and criminal penalties for labor standards violations. In general, it works best with employers who are willing to follow the law. However, these employers are very likely to have already paid workers through settlement or voluntarily after an order. Moreover, the method has a low success rate with bad-faith employers.
2. **Seize sufficient funds or assets to satisfy the amount owed.** This strategy includes **liens** and **levies**. Generally, these tools are more effective in collecting a debt than scaring the employer, especially when they are used at the pre-judgment phase of the enforcement action. Seizing assets or tying up revenue streams by taking possession of bank accounts, customer payments or other property of the employer creates negotiating leverage because the employer

wants access to the assets or income to run their business. Intangible property, like stocks, ownership interests in other corporations, tradenames, trademarks, and trade secrets can also be seized.³ Notably, when seizure occurs early in the enforcement action, it prevents the employer from transferring or hiding the assets as well as preserves them if the employer files for bankruptcy.

3. **Redirect your efforts to another person or entity to pay the debt.** Other people or entities can be convinced or required to pay the debt when they are found liable under an alternative theory of liability or because they are set up to pay workers when the employer does not.⁴ Alternative theories of liability are ways of holding parties liable who are implicated in the events that led to the violation. For example, a contractor who is higher up the supply chain may have legal liability as an employer or **joint employer**. Additionally, a business higher up the supply chain might be willing to resolve the outstanding debt to avoid negative publicity or damage to its brand. Alternatively, **restitution funds** - pools of money to which employers must contribute established in some high-risk industries to pay workers when employers owe them wages - function as a form of insurance in which the risk of non-payment of wages is pooled among other employers who have nothing to do with the violation. When an agency determines the employer has disappeared or has no assets, it should seek to collect assets from another person or entity who can be convinced or required to pay.
4. **Leverage partnerships with other state and local agencies.** Working with state and local partners to apply pressure to the employer's nonmonetary resources can convince the employer to pay what it owes. Stop orders and revoking or suspending business, professional, driver's, and liquor licenses are good examples of nonmonetary methods of using leverage.

COLLECTIONS TIPS

Throughout Collections Process

- *Collections should begin early to preserve assets and increase the chances of success.*
- *Throughout the investigation, consider how you would enforce an order against each employer.*
- *During intake and throughout the investigation, consider all relevant parties—individuals and entities—who may be found liable. Understand each party's assets and position in the business.*
- *Explore possible joint employment, successor liability, independent contractor misclassification, and/or integrated enterprise for collections and to create broader impacts on industry practices.*
- *Look for employers' debts, assets, and income areas, focusing on ways to tie up assets and income streams so that the employer will want to pay the order. This will help the agency choose the best tool/s for recovery.*
- *Monitor and be prepared to react to changes in the employer's business or financial situation, such as selling, going out of business, or filing for bankruptcy.*

COLLECTION STRATEGIES

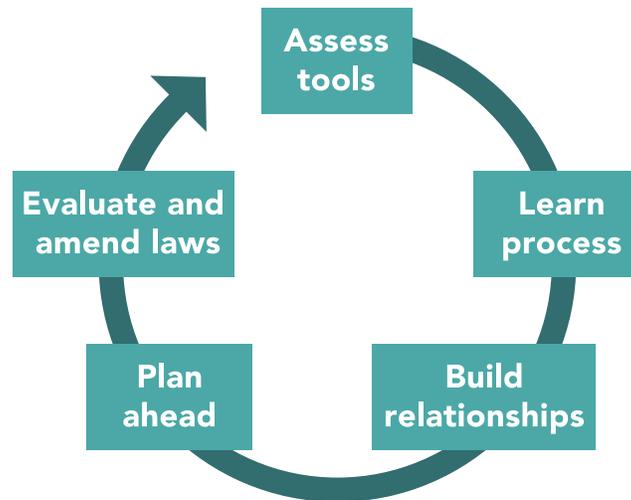
SEE THE COLLECTIONS GLOSSARY AT THE END FOR DEFINITIONS AND EXPLANATIONS OF EACH TOOL LISTED IN THIS TABLE

	PENALIZE	SEIZE	REDIRECT	LEVERAGE
PRE-JUDGMENT		<u>MECHANICS' LIEN</u>		
PRE OR POST-JUDGMENT (DEPENDING ON HOW THE LAW IS WRITTEN)		<u>WRIT OF ATTACHMENT</u> <u>WAGE LIEN</u> <u>LIEN ON REAL PROPERTY</u> <u>ESCROW CLAIMS UNDER THE BULK SALES ACT</u> <u>BANKRUPTCY PROOF OF CLAIM</u>	<u>WAGE BOND</u> <u>RESTITUTION BOND</u> <u>FRAUDULENT CONVEYANCE RECIPIENT LIABILITY</u>	

POST- JUDGMENT	TREBLE DAMAGES	LEVY AN ASSET (E.G. BANK ACCOUNT OR WAGES)		SUSPEND, REVOKE, OR DO NOT RENEW BUSINESS LICENSE
	CRIMINAL PENALTIES			SUSPEND, REVOKE, OR DO NOT RENEW PROFESSIONAL OR SPECIALTY LICENSE OR CERTIFICATE OF ANY BUSINESS OR INDIVIDUAL LICENSEE
	CIVIL PENALTIES	INTERCEPT OR OFFSET TAX REFUNDS		SUSPEND INDIVIDUALS' DRIVER'S LICENSES
	FINES			SUSPEND INDIVIDUALS' AUTOMOBILE REGISTRATIONS
				PUBLICLY DISCLOSE INDIVIDUALS' NAMES
				STOP ORDERS
NEEDS TO BE ESTABLISHED DURING THE INVESTIGATION	RIGHT TO PENALTIES	MECHANICS' LIEN THE RIGHT TO SOME WAGE LIENS	<u>JOINT EMPLOYER LIABILITY</u> INDIVIDUAL OWNER LIABILITY <u>SUCCESSOR BUSINESS LIABILITY</u> <u>FRAUDULENT TRANSFER</u>	

It is unlikely that your agency has every collections tool listed in the above table. However, it is possible there are tools available to the agency that have not yet been

utilized for labor standards collections. To ensure success, agencies need to understand what tools they have, what tools they need, and how to use each tool.



1. **Assess which tools are available in the agency's jurisdiction.** In some jurisdictions, labor standards laws may create or empower agencies to use certain collections tools. Other tools may be created by laws entirely unrelated to labor standards. Local agencies can also look to state laws for additional tools not found in their municipal codes.
2. **Learn the process for using each tool.** The processes for using collections tools are generally defined in law and widely vary by jurisdiction. The agency should understand the legal process required for each tool as well as its role in that process.
3. **Increase the number of available tools by building relationships with other agencies.** Reach out to other state and local agencies to partner on collections. Agencies that handle insurance, state and local licenses, and health and safety can help you create pressure points to persuade the employer to pay what it owes.
4. **Plan ahead.** Time is of the essence when it comes to collections. For this reason, the agency should decide in which situations it will use which tool/s. That way, it has a plan in place and can act quickly when collections issues surface.

5. **Evaluate whether laws can be amended to include stronger collections tools.**

Agencies need a collections strategy that utilizes different collections tools depending on the barriers at issue. If the tools discussed above are not available in your jurisdiction, work with community partners and legislators to explore whether it is possible to change the laws to include additional tools.

EXAMPLES

California. In 2013, the National Employment Law Project and UCLA Labor Center released a study showing California had a troublingly low collections rate.⁵ Specifically, between 2008 and 2011, only 17 percent of workers who prevailed in their wage claims were able to recover any payment. Furthermore, workers collected just 15 percent of the money the state awarded them.

After the report, a bill called “A Fair Day’s Pay” was championed by worker advocates and signed into law in 2015.^{6, 7} The law created a simplified, streamlined **levy** process. The California labor commissioner can now levy employers’ bank accounts and accounts payable by sending a demand letter to the employer’s bank or to any person—like a customer—who has credits, money, or property belonging to the employer. Further, it allows the state to place a **lien** on the property of repeat offenders who have not paid an order equivalent to the full amount of wages, interest, and penalties owed to employees. Notably, the law was written so these tools can be used against individual owners of the business. The law also addresses the problem of bad-faith employers who shut down a company and reopen under another name by significantly expanding **successor liability**. Successor liability is a key factor in ensuring effective use of stop orders, the other new tool created by the law. Stop orders prohibit a business with an unpaid judgment from continuing to operate. When combined with successor liability, California can use **stop orders** against businesses that are still operating under a different legal structure, a common tactic used by the worst offenders. Failure to abide by a stop order is a criminal offense punishable by up to 60 days imprisonment or up to \$10,000—making it a tool with a lot of teeth.⁸

California has performed almost 4,000 levies since the law went into effect. According to the state, levies and liens have collected the most dollars for each staff hour spent. However, these tools are generally *not* effective strategies in low-wage, high-risk industries. In those industries, California prioritizes more resource-intensive tools like stop orders and litigation.

California also has laws creating:

- **Strict liability** for up-the-chain contractors;⁹
- **Wage bonds** and **restitution funds** for specific, high-risk industries;¹⁰
- Direct license suspensions for unpaid orders in the car wash, garment manufacturing, and farm labor contractor industries;^{11, 12, 13} and
- Post-judgment liens on real and personal property

If the employer does not appeal and fails to pay, the labor commissioner files its order with the superior court, after which the order is immediately converted into a judgment with the same force and effect as a civil action judgment.¹⁴

Massachusetts. When a Massachusetts employer fails to pay a citation after exhausting its appeal rights, the citation debt becomes a Department of Revenue (DOR) debt with an 18 percent interest rate per year.¹⁵ Then DOR has multiple post-judgment enforcement tools it can use, including personal liability for the president and treasurer of a corporation; filing a tax **lien** on the taxpayer's property and social security number; **levying** assets, like a bank account, accounts receivable, or wages; suspending, non-renewing, or revoking the professional license or certificate of any licensee; suspending a driver's license or automobile registration; publicly disclosing the names of delinquent taxpayers; intercepting or offsetting tax refunds; and seizing assets, such as cars and businesses.¹⁶

Massachusetts also looks beyond its legal tools to effect collections by partnering with other state agencies, local jurisdictions, general contractors, and large business enterprises/lead employers. For example, when an employer who serves or distributes alcohol fails to pay a citation, the case is referred to the state alcoholic beverages control commission, which can consider liquor license revocation. Additionally, the state partners with the City of Boston, which issued an executive order allowing the city's licensing board to deny a license or contract if the business has been cited by the state for wage theft and has not paid.¹⁷ Finally, Massachusetts works closely with general contractors, asking them to require their subcontractors to submit payroll records to help ensure payment of wages.

Wisconsin. Wisconsin has the oldest, and one of the most comprehensive, **wage lien** laws in the country.¹⁸ The Wisconsin wage lien can be used against real or personal property located in Wisconsin for the full amount of the wages owed. It can be used pre- or post-judgment, if the notice of lien is filed within two years after the date the wages are due.¹⁹ The notice of lien can be recorded by either the worker or Wisconsin

Department of Workforce Development (DWD) as soon as a complaint for wages is filed. Once attached, the lien is superior to most other debts.

Wisconsin does not file a lien in every case—only those where the employer appears to resist payment or DWD determines the employer’s assets may no longer be available at the end of the investigation. For example, Wisconsin is likely to file a wage lien if the business is closed or closing, the employer is trying to sell the business, the employer is considering or filing for bankruptcy, or multiple employees have filed for unpaid wages.²⁰ If the case is not settled, DWD refers it to the state’s department of justice to litigate the wages owed.²¹ Wisconsin has seen great success using their wage lien law, recovering at least a portion of wages in 80 percent of cases where they deemed the employer likely to default.²²

New York. After the [New York Times](#) uncovered widespread wage theft in the nail salon industry in 2015, New York State created a [wage bond](#) requirement to protect nail salon workers. The regulations cover all businesses who employ the equivalent of two or more full-time workers to provide nail specialty services.²³ The amount of the bond each employer is required to obtain is based on the number of employees providing nail specialty services. Failure to obtain a bond can result in fines and closure of the business.²⁴ Less than a year after the bond requirement went into effect, 4,000 nail salons had secured a wage bond.²⁵

Maine. In 1977, Maine established a Wage Assurance Fund for the bureau of labor standards to pay wages to workers when the employer has terminated the business and there are no assets to pay wages or when the employer has filed for bankruptcy.²⁶ The biggest drawback of the model is that payments are capped at two weeks, meaning workers may recover only a portion of the wages owed depending on the facts of the case.

The [National Employment Law Project’s *Winning Wage Justice*](#) report provides a detailed discussion of wage liens, wage bonds, and restitution funds, including challenges to passing such laws, jurisdictions that already have them, and sample legislation.²⁷

The attached PowerPoint created by the **Wage Justice Center** offers in-depth information regarding California's collections tools.

COLLECTIONS GLOSSARY

Bankruptcy Proof of Claim. A document filed with a court by creditors, including employees, to obtain distribution from a bankruptcy estate. A proof of claim sets out the identity of a claimant and the basis for a claim, as well as the amount owed as of the date of the bankruptcy filing, including wages, interest, penalties, punitive damages, and attorney fees. Proofs of claim can be very time sensitive, and may be the only chance of recovering money against an employer that is going under. Most states do not require a judgment in order to file a proof of claim, so the best chance a worker has to recover in a bankruptcy proceeding is to file a proof of claim as soon as they learn the employer filed for bankruptcy.

Bulk Sales Act (UCC Article 6). Requires buyers to publish and record notice when they purchase a large part of the inventory or equipment of certain businesses outside of the normal course of business. The law provides protection for creditors, including employees with or without a judgment, to make claims for payments from escrow. When notice procedures are not followed, creditors may file a lawsuit holding the buyer of the inventory or equipment liable in the amount of the creditor's claim.

Fraudulent conveyance recipient liability. Where a person transfers assets to another person to avoid payment of a debt, the creditor (e.g., worker) can pursue the transferred assets. Most states have a fraudulent conveyance law, which is usually found in the civil code and is available pre- or post-judgment. However, in most cases, this tool can only be used in court actions, not administrative proceedings. As a result, it is available in limited circumstances.

Guarantor. A person or company that is made liable for the debt of another. The guarantor is liable regardless of whether they were implicated in the violation. Liability can be imposed by law or can be the result of an agreement. In settlement agreements that include a payment plan, guarantor liability can be used to require individual owners guarantee payment owed by a business, essentially rendering the individual owners co-signors to the agreement.

Levy. The seizure of property to satisfy a debt. Levies can be on bank accounts, wages, vehicles, real property, or anything else of value (with some exceptions). Every state can levy on a judgment. As such, this tool becomes available when a labor

department decision has been converted to a judgment. Potential drawbacks to a levy include:

1. **Levies** are only helpful if the employer has assets in the jurisdiction. Employers may try to quickly transfer, hide, or sell assets before the levy is executed; and
2. **The process** can be highly technical and expensive.

Lien. Restricts the sale or transfer of property so that it cannot be sold until the property owner pays the amount on the lien. Because the owner of the property cannot sell it, they are incented to pay the judgment. Potential drawbacks to a lien include:

1. **Liens** are only helpful if the employer owns property in the jurisdiction, so employers may try to quickly transfer, hide, or sell assets before the lien is filed;
2. **Liens** only create an incentive to pay when the property owner wants to sell. That could be years after the judgment is issued (unless additional litigation is pursued);
3. **Liens** generally expire, so the debtor can wait them out; and
4. **The process** can be highly technical and expensive.

Mechanics' lien. A common lien in the construction industry available in every state. It allows anyone who has supplied labor or materials to put a lien on the improved real property and to foreclose on that lien if payment is not made. Oftentimes, mechanics' liens are only available for a set number of days (e.g., 90 days) after the work of improvement is completed. Mechanics' liens are a powerful tool when collecting against an employer in the construction industry.

Joint employer liability. When two or more entities share control over the terms and conditions of workers' employment, all entities are joint and severally responsible for legal violations. In industries where employers at the top of the chain are driving down labor standards through contracts in which it would be impossible to pay workers legal wages, joint employer liability can be used to hold the employer up the chain responsible for violations. That can have a broader impact on practices throughout the industry. Additionally, when multiple employers are held liable, it provides more avenues for collections, because if one employer disappears or does not have assets, agencies can go after the assets of the other employer to ensure workers are paid.

Real property. Fixed property attached to land, land itself, and the rights associated with land.

Restitution funds. Also referred to as wage pools, they are comprised of money paid by all employers in an industry to the state (usually as part of an employer tax or license or registration fee). The state uses this money to pay unpaid wages to employees when the employer cannot be found, has no assets, or files for bankruptcy. While restitution funds can ensure employees get the wages they are owed, they do not hold the employer who violated the law accountable. Consequently, they have no deterrent effect.

Stop orders. Order prohibiting the business from continuing to operate. This is an effective tool when the law is written such that it can be used against a successor business. Oftentimes, an employer who does not want to pay is no longer operating under the same legal structure by the time a judgment is issued. The downside to stop orders is they are resource-intensive because it takes a good deal of investigating to obtain sufficient evidence to show the original and successor entities are largely the same business operating under a different legal form.

Strict liability. A liability standard that makes a person or entity liable for violations without having to prove culpability, fault, or knowledge. In the labor standards collections context, strict liability for up-the-chain contractors offers the benefits of joint employer liability without taking up agency resources needed to prove the employers shared control over the terms and conditions of employment.

Successor liability. Liability imposed on the purchaser of a business because the original employer owed money to workers in violation of labor standards laws before it sold the business. Factors to prove successor liability differ across jurisdictions, but common factors include:

1. **Continuity** of the operations and workforce;
2. **The purchaser** had notice of the potential liability; and
3. **The extent** to which the predecessor is able to provide adequate relief.

Surety. A person or company that issues a bond, which guarantees payment of a debt or performance of a promise. Sureties are similar to **guarantors**, except sureties are generally regulated and provide their service for a fee.

Wage bond. Bonds secured by employers or money paid by an employer to another entity (e.g., state or insurance company) in case employees are owed wages by the employer. It is common in many jurisdictions to require wage bonds in certain industries, including construction, employment agencies, and farm labor contractors. The most effective wage bonds are tied to licensing or registration requirements a business needs to operate. Similar to **restitution funds**, wage bonds are an effective

way to get employees money, but because they do not hold individual violators accountable, they do not have a deterrent effect.

Wage lien. Lien filed by a worker for nonpayment of wages, giving the worker a claim against property (e.g. real estate and bank accounts). In some jurisdictions, wage liens can be instated as soon as the wage claim is filed; in others, the lien is available only after the employer is found liable. Pre-judgment wage liens are one of the most successful collections tools.

Writ of attachment. A court order to freeze or seize assets. Attachments can be ordered pre- or post-judgment depending on the law. However, they are often available only in civil suits, not administrative proceedings, limiting their use to certain circumstances.

For additional information:

CLASP: <https://www.clasp.org/issues/jobs-training-education/job-quality-and-worklife>

CIWO: <https://smlr.rutgers.edu/content/center-innovation-worker-organization-ciwo>

Endnotes

¹ Marianne Levine, “Behind the Minimum Wage Fight, a Sweeping Failure to Enforce the Law,” *Politico*, 2018, <https://www.politico.com/story/2018/02/18/minimum-wage-not-enforced-investigation-409644>.

² Even if agencies don’t have pre-judgment tools available, they should explain to complainants that they are a creditor from the day they are not paid correctly. And as a commercial creditor, that is true whether or not a judgment has been issued against the employer. This is important because if the worker must wait until after a judgment is issued, the available money may have already been distributed and the worker will not be able to recover wages. Workers should also know they can make a claim in escrow if the employer sells all or nearly all its inventory in a bulk sale. Likewise, if the employer files for bankruptcy, the worker can make a claim as a creditor in a bankruptcy proceeding. If the employer initiates a bulk sale or bankruptcy, the worker should act as soon as possible. Additionally, it is worth exploring whether any organizations in your jurisdiction handle such matters, and if so, referring complainants to these organizations, especially when they have reason to believe the employer may be on the brink of a mass selloff or bankruptcy.

³ Intangible aspects of the business are often the most valuable, but can be hard to seize and monetize piecemeal. However, the business as a whole can be bought and sold, and liens on the business's intangible personal property can lead to payment in escrow when the business is sold.

⁴ While alternative theories of liability are important collections tools, they are also essential for strategic enforcement. To create change in high-risk industries, up-the-chain employers who ultimately set workers' wages and profit from their labor must be held accountable for labor standards violations. By investigating and holding liable those employers with the most power, enforcement actions can alter the behavior of all employers up and down the chain. This means in some investigations, investigators may not need to look to alternative theories of liability for collections purposes, but they should still do so when it comports with their strategic enforcement plan. As part of the investigative process, then, investigators should analyze the roles of other entities for both collections and strategic enforcement purposes.

⁵ Eunice Hyunhye Cho, Tia Koonse, and Anthony Mischel, *Hollow Victories: The Crisis in Collecting Unpaid Wages for California's Workers*, National Employment Law Project, 2015, <http://www.nelp.org/content/uploads/2015/02/Hollow-Victories.pdf>.

⁶ The Wage Justice Center, SEIU California, and Koreatown Immigrant Workers Alliance co-sponsored the bill, which they wrote collaboratively with other organizations, including USWW, Maintenance Cooperation Trust Fund, and UCLA Labor Center. See Wage Justice website, *Legal Strategies*, <http://www.wagejustice.org/legal-strategies>.

⁷ <http://www.wagejustice.org/legal-strategies>.

⁸ See Senate Bill No. 588, Oct. 11, 2015, https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201520160SB588.

⁹ See Assembly Bill No. 1987, Sep. 28, 2014, https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201320140AB1897.

¹⁰ See CAL. LAB. CODE § 2055(b); CAL. LAB. CODE § 1684(a)(3)(A), <https://codes.findlaw.com/ca/labor-code/>; BUS. & PROF. § 7071.6, http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=7071.6.&lawCode=BPC.

¹¹ CAL. LAB. CODE § 2062(a).

¹² CAL. LAB. CODE § 2673.1(m).

¹³ CAL. LAB. CODE § 1690(d).

¹⁴ CAL. LAB. CODE § 98.2(d)-(e).

¹⁵ MASS. GEN. LAWS ch. 149, § 27C(b)(7), <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXI/Chapter149/Section27C>.

¹⁶ See generally MASS. GEN. LAWS ch. 62C, <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleX/Chapter62C>.

¹⁷ [Executive Order Establishing Requirements for City Contracts in an Effort to Prevent Wage Theft](https://owd.boston.gov/wp-content/uploads/2015/08/Wage_Theft_Executive_Order.pdf), Oct. 23, 2014, https://owd.boston.gov/wp-content/uploads/2015/08/Wage_Theft_Executive_Order.pdf.

¹⁸ Cho et al., *Hollow Victories*, 16.

¹⁹ WIS. STAT. § 109.09(2)(b)(3) (2018), <https://docs.legis.wisconsin.gov/statutes/statutes/109/09>.

²⁰ Cho et al., *Hollow Victories*, 17.

²¹ Cho et al., *Hollow Victories*, 17.

²² Cho et al., *Hollow Victories*, 16.

²³ NY CODES R. & REGS. tit. 19 § 160.9, <https://www.dos.ny.gov/licensing/appearance/bond-liability-5-18-15.html>.

²⁴ New York State Nail Salon Industry Enforcement Task Force, “[Nail Salon Wage Bond Coverage FAQs](https://www.governor.ny.gov/news/governor-cuomo-directs-nail-salons-repay-2-million-unpaid-wages-and-damages-more-600-employees),” <https://www.governor.ny.gov/news/governor-cuomo-directs-nail-salons-repay-2-million-unpaid-wages-and-damages-more-600-employees>.

²⁵ Gov.’s Press Office, “[Gov. Cuomo Directs Nail Salons to Repay \\$2 Million in Unpaid Wages and Damages to More than 600 Employees](https://www.governor.ny.gov/news/governor-cuomo-directs-nail-salons-repay-2-million-unpaid-wages-and-damages-more-600-employees),” May 9, 2016, <https://www.governor.ny.gov/news/governor-cuomo-directs-nail-salons-repay-2-million-unpaid-wages-and-damages-more-600-employees>.

²⁶ ME. REV. STAT. ANN. tit. 26, § 632, 2009, <http://legislature.maine.gov/statutes/26/title26sec632.html>.

²⁷ NELP, *Winning Wage Justice: An Advocate’s Guide to State and City Policies to Fight Wage Theft*, 2011 at 113 – 123, <https://www.nelp.org/wp-content/uploads/2015/03/WinningWageJustice2011.pdf>.