

Alachua County Wage Recovery Program



Is My Wage Complaint Covered?

It's Simple! Answer Yes or No to each of the 4 questions below:

- 1. Was the work performed in Alachua County?**
- 2. Has it been 180 days or less since payment of wages was due?**
- 3. Has there been an attempt to resolve this issue with the employer?**
- 4. Does your complaint name any governmental entity (other than Alachua County BOCC)?**

If you answered "Yes" to questions 1 – 3, then your complaint may be covered. If you answered "No" to questions 1 or 2 then your complaint is not covered. If you answered "Yes" to question 4 then your complaint is not covered.

If you are still unsure, please call the Alachua County Equal Opportunity Office at (352) 374-5275; or send an email to: wagerecovery@alachuacounty.us; or submit a Wage Theft Online Inquiry Form on our website at: www.alachuacounty.us/eo.

For more information on the Wage Recovery Ordinance, contact:

**The Alachua County Equal Opportunity Office
105 SE 1st Avenue, Suite 1, Gainesville, FL 32601
(352) 374-5275 * Email: wagerecovery@alachuacounty.us
TTY Users, please call 711 (FL Relay) * Fax: (352) 338-3205**

The Alachua County Board of County Commissioners (BOCC) approved an ordinance prohibiting "Wage Theft" in Alachua County. The Wage Recovery Ordinance, Chapter 66 of the Alachua County Code, became effective on January 1, 2014.

Employer Best Practices



- Ensure that employees are paid at least the applicable minimum wage for all hours worked.
- Pay overtime premiums for all hours worked over 40 hours in a workweek, unless the employee is exempt from overtime requirements under state or federal law.
- Keep accurate employee time and payroll records, including:
 - When the workweek begins
 - Total hours worked each workday
 - Total hours worked each workweek
 - Total wages paid each pay period
 - Date of payment and the pay period covered.
- Comply with recordkeeping requirements for all employees, both exempt and non-exempt.



The Alachua County Wage Recovery Ordinance prohibits the non-payment or underpayment of earned wages due to employees. It provides administrative procedures to help resolve wage theft complaints by mutual agreement of the parties.

An employer found to be in violation of the ordinance by a Hearing Officer will be required to pay double the back wages owed to the employee and reimburse the County for administrative processing costs and cost of the hearing.

Filing a Wage Theft Complaint

Call, visit or email the Alachua County Equal Opportunity Office at: wagerecovery@alachuacounty.us.

You will be scheduled for an appointment to discuss the specifics of your complaint and to complete the required paperwork. Please bring any supporting documentation (such as pay stubs, timesheets, work schedules, emails, or employment agreement) to your appointment.

The Equal Opportunity Office will attempt to resolve the complaint by the agreement of both parties, a process called “conciliation”. If conciliation fails, either you or your employer can request a hearing within 15 days of receiving notice that conciliation has been rejected or failed.

Administrative Hearing Process

Alachua County will appoint a Hearing Officer (HO), who may issue subpoenas, administer oaths, compel the production of and receive evidence.

At the hearing, both the claimant and the employer will have the opportunity to present their cases. If the HO determines that a wage violation has occurred, he or she may order the employer to pay liquidated damages to the claimant of up to two times (2x) the amount of wages claimed, as well as payment of administrative costs associated with conducting the hearing, payable to the Alachua County Board of County Commissioners.

Final Orders will be sent to all parties.

If more than 180 days have passed since wages were due or
for more information on Wage and Hour laws, call:

U.S. Department of Labor
Wage and Hour Division
1-866-487-9243 (toll free) or
Visit www.wagehour.dol.gov

Frequently Asked Questions

Is there a cost associated with filing a wage complaint? **No.** The County offers assistance to the public through the Wage Recovery Program.

If I have evidence to accompany my complaint am I guaranteed success? **No.** Each complaint is analyzed on an individual basis and on its own merits. Variables such as evidence, testimony, willingness of an employer to conciliate, etc. may affect the outcome. Just as in a court of law, success is never guaranteed.

Can I file an anonymous wage complaint? **No.** The aggrieved individual must be named on the complaint.

What if I was not paid for work performed longer than 180 days ago? Wages for work performed longer than 180 days ago cannot be included on a wage complaint filed through the County.

Do I need an attorney to file a wage complaint? **No.** You may have an attorney, but an attorney is not required to file a complaint.

Can I file a wage complaint if I am a County employee? **Yes.**

If I performed the work outside of Alachua County, can I file a complaint if the company is based in Alachua County? **No.** Where the employer is based is irrelevant as the work must have been performed within Alachua County.

Can I file for overtime worked at the premium pay or time and ½? **Yes.**

In addition to wages, can I claim other expenses owed such as fees for bounced checks, gasoline, construction costs, etc. in my complaint? **No,** only unpaid wages can be claimed.

Can I file a complaint if my employer is engaged in intrastate or interstate commerce? **Yes.** As long as all work was performed within Alachua County.

If I do not have any evidence because my former employer paid me with cash, how can I establish that I worked for my former employer? Emails, text messages, job invoices, ledger of hours/days worked and pictures can serve as evidence of employment.

Can I file a complaint if I was hired as an independent contractor? **No.** An individual hired as a bona fide independent contractor is not covered under the ordinance.

If I do not speak English, can I still file a wage complaint? **Yes.** An individual who meets the criteria can file a wage complaint. Language translation assistance will be provided as needed.

If an employer wants to settle a filed complaint outside of the County's assistance, can I enter into a settlement with my former employer without the County? **Yes.** Some employers and employees may prefer to settle directly on their own. If a settlement is reached the employee should notify the Equal Opportunity Office immediately and provide a written request to close the complaint.

Is there an average amount of time that it takes for a complaint to go to hearing? **The amount of time depends on the volume of caseloads.**

Can I request a hearing even if my former employer is not reachable? **No.** A complaint can proceed to a hearing only if the employer is noticed via a signed certified mail receipt or a process server.

If I am summoned to a hearing, should I attend? **Yes.** Failure to attend a hearing may result in a loss of a wage complaint and the inability to recover wages under the ordinance.

What can I do if I cannot make it to a hearing? **Notify the Equal Opportunity Office immediately, prior to the hearing date, and provide a reason for not being able to make your scheduled hearing date. The hearing may be rescheduled.**

What do I need to do if I have won my complaint at the hearing? **Nothing.** Final orders will be mailed to both the employee and the employer to the mailing addresses on file. (Please ensure that your most current contact information is on file).

What do I do if I receive a payment related to my wage complaint from my employer? **Notify the Equal Opportunity Office immediately so that the complaint can be amended to reflect the corrected amount claimed.**

How do I collect a judgment after an order is issued? **Collection of a judgment is not always successful and may entail a longer process. If the employer does not comply with the judgment ordered by the HO, you may seek relief in civil court. You may choose to retain an attorney to determine the best course of action in civil court.**

Does the County represent the employee or employer? **Neither.** Although all valid wage complaints are investigated, the County remains neutral in all proceedings to best facilitate conciliation or settlement on behalf of both parties. Either party may prevail based on the evidence.

Can I withdraw my complaint at any time? **Yes.** Please notify the Equal Opportunity Office by sending a written request to withdraw your complaint via U.S. Postal Service, email or fax.

