

21-002 - Wage Theft

Los Angeles County Sheriff's Department FIELD OPERATIONS DIRECTIVE



WAGE THEFT

PURPOSE

The purpose of this Field Operations Directive (FOD) is to establish policy and procedure for Department personnel on the handling of calls for service related to wage theft and/or wage related crimes.

BACKGROUND

These guidelines are being established pursuant to a directive from the Sheriff, regardless of an individual's immigration status. Wage theft is a persistent and widespread problem that occurs when employers do not pay workers the wages or other benefits required by law. Wage theft harms workers by denying earned income to many of the most vulnerable members of our community who have difficulty making ends meet. It also affects responsible employers who are effectively punished for following the law by having to unfairly compete in the marketplace. Additionally, wage theft complaints have sometimes led to labor trafficking investigations.

UCLA's Institute for Research on Labor and Employment's Report, *Wage Theft and Workplace Violations in Los Angeles* (2010), found Los Angeles to be the wage theft capital of the country. Violations amount to \$26 million per week or \$1.4 billion per year. Thirty percent of sampled workers reported serious minimum wage violations, almost 80% were denied legally required overtime pay, and more than 80% of respondents entitled to rest and meal breaks experienced violations of this law. Other complaints are those individuals promised a wage for services performed and, upon completion of those services (house painting, lawn services, etc.), they were either not paid the entire amount or not paid at all. Finally, wage theft hurts the economy as those employers who violate wage laws also avoid paying their fair share of state and local taxes.

PROCEDURE

Department personnel will begin to inform/educate the community regarding the issue of wage theft. Upon receiving a call for service, the Department member shall write a complaint report using one of the following appropriate Penal Codes or Labor Code: 236.1(a) PC, 484(a)/488 PC, 487 PC, 532 PC and/or LAB 1199, when applicable. If in the event the handling deputy(s) are not sure of a clear cut violation, a Suspicious Circumstances Report, Possible (Insert Crime) can be written.

The complaints can range from misdemeanor, felony, or detailed log entries using the established stat code associated with wage theft incidents.

Each report will include a secondary stat code (853 Wage Theft - Criminal), which will allow proper tracking, as well as assure the correct assignment.

All incidents involving any of these crimes shall be documented on a Department Incident Report (SH-R-49), and assigned to Special Victims Bureau, Human Trafficking Taskforce (SVB/HTTF) for handling.

Calls for service where the allegation is clearly identified as being a civil matter, stat code 854 (Wage Theft - Civil) will be used for the call clearance. In addition, a detailed log clearance narrative, including the R/P's name, DOB, telephone number, and allegation, shall be documented.

If you have any questions regarding the information contained in this FOD, please contact the on-duty, Special Victims Bureau, Human Trafficking Taskforce, detective, at (323) 526-5156, or after hours, contact Sheriff's Information Bureau, at (213) 229-1850.

ATTACHMENTS

The county's Office of Immigrant Affairs will be providing an informational pamphlet in the near future.

REFERENCES

Penal Code 236.1(a)

Penal Code 484(a)

Penal Code 487

Penal Code 488

Penal Code 532

Labor Code 1199

Manual of Policy and Procedures (MPP) 3-02/080.01 – Training Requirements for Sworn Personnel (*Sate Mandated Training*)

Manual of Policy and Procedures (MPP) 5-09/271.00 – Immigration Inquiries and Notifications

Field Operations Directive (FOD) 05-003 – Human trafficking
