

WHAT DOCUMENTATION IS HELPFUL IN PROCESSING A WAGE RECOVERY COMPLAINT?

- Copies of demand letters or other communications sent by the employee to the employer
- Copies of employee paychecks and check stubs
- Copies of any pay agreements relating to the employee's wages
- The names and contact information of any witnesses who can substantiate the allegations of the complaint
- Copies of the employee's work schedule, timesheets, and W-2 forms
- Any other records of the time worked or wages paid.

WHAT HAPPENS AFTER A WAGE RECOVERY COMPLAINT IS FILED?

The County will coordinate a conciliation process to attempt to resolve the complaint by sworn written agreement of both parties.

WHAT IF THE COMPLAINT IS NOT CONCILIATED?

Within fifteen (15) days after the County gives notice that the conciliation process has been refused or has reached impasse, any party can request a hearing or the County will appoint a hearing officer that it deems to be qualified to hear non-payment of earned wages matters.

WHAT SHOULD I DO IF I HAVE A WAGE RECOVERY COMPLAINT?

- 1 The employee must first attempt to resolve his or her claim by contacting the employer within sixty (60) days after wages were due.
- 2 If the employee is unable to resolve the claim with the employer, contact the Alachua County Equal Opportunity Office within 180 days after the date wages were due.

**Alachua County
Equal Opportunity Office
12 SE 1st Street
Gainesville, FL 32601
(352) 374-5275 or
TTY users call 711 (FL Relay)
wagerecovery@alachuacounty.us**

Visit Equal Opportunity Office website for more frequently asked questions, or to download Wage Recovery intake forms.

- 3 If timelines have exceeded 180 days, or for more information on Wage and Hour laws, call:

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

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**Document available in alternate
format upon request.**



WAGE RECOVERY PROGRAM



**Adopted by the Alachua County
Commission on April 16, 2013**



THE ALACHUA COUNTY WAGE RECOVERY ORDINANCE, CHAPTER 66 OF COUNTY CODE, ALLOWS FOR THE RECOVERY OF EMPLOYEE WAGES IN THE COUNTY, EFFECTIVE JANUARY 1, 2014.

WHAT IS WAGE THEFT?

Wage theft is the non-payment or underpayment of earned wages to employees by employers.

WHO CAN FILE A WAGE RECOVERY COMPLAINT?

All employees who work for a covered employer in the geographic boundaries of Alachua County can file a complaint.

WHO IS AN "EMPLOYEE" AS DEFINED IN THE WAGE RECOVERY ORDINANCE?

An employee is a person who performs work for an employer within Alachua County. This does not include a bona fide independent contractor (as defined by the Internal Revenue Code).

WHO IS A COVERED "EMPLOYER" AS DEFINED IN THE WAGE RECOVERY ORDINANCE?

A covered employer is any person who, acting either individually or on behalf of an entity, employs an individual to perform duties in exchange for wages. A covered employer includes third-party labor providers (such as employment agencies) but does not include public agencies (such as the state or a municipality).

THE WAGE RECOVERY ORDINANCE PROVIDES:

- Economic security for persons working in the County
- Promotion of business and economic development by eliminating unfair competition by businesses that do not pay or underpay their employees
- Reduction of the number of employees who rely on public assistance for essential needs because their employer does not pay or underpays earned wages

WHAT IS "THE NON-PAYMENT OF EARNED WAGES" ACCORDING TO THE ORDINANCE?

When an employer fails to pay any portion of wages earned by an employee within a reasonable time from the date on which wages were due for work performed by the employee.

WHAT IS THE DEADLINE FOR FILING A WAGE RECOVERY COMPLAINT?

180 days from the date the wages were due.

WHAT ARE THE PENALTIES FOR AN EMPLOYER NOT PAYING WAGES TO AN EMPLOYEE?

If an employer is found to have unlawfully failed to pay earned wages, it shall entitle an employee to receive double the back wages due.

CAN I FILE AN ANONYMOUS COMPLAINT?

No. Contact information and the aggrieved employee's participation in the process is required.

CAN I FILE A COMPLAINT FOR SOMEONE ELSE?

Yes, but the aggrieved employee must participate in the process. Any person or entity can assist the employee in filing their complaint.

WILL MY EMPLOYER KNOW THAT I COMPLAINED?

Yes. The employer will be contacted to resolve the complaint.

WHAT IF I AM FIRED FOR COMPLAINING?

Retaliation for filing a complaint is unlawful and should be reported to the Equal Opportunity Office.

CONTINUE →