



**US Department of Labor  
Employment Standards Administration  
Wage and Hour Division**

**Wage and Hour Fiscal Year 2003 Enforcement Continues Record Climb**

The Employment Standards Administration’s Wage and Hour Division (WHD) recovered more than \$212 million in back wages in fiscal year 2003 – a 21 percent increase over the record setting amount in fiscal year 2002. The number of workers receiving back wages increased nearly 30 percent from the fiscal year 2002 level. Average days to resolve a complaint decreased in fiscal year 2003 from 129 days to 108 days. In fiscal year 2003, WHD assessed employers nearly \$10 million (\$9,993,041.44) in civil money penalties.<sup>1</sup>

<b>WHD Enforcement Statistics – All Acts</b>	<b>FY2002</b>	<b>FY2003</b>	<b>Change</b>
<b>Concluded Cases<sup>2</sup></b>	40,264	39,425	-2.1%
<b>Back Wages Collected</b>	\$175,640,492	\$212,537,554	21%
<b>Employees Receiving Back Wages</b>	263,593	342,358	29.9%
<b>Complaints Registered</b>	31,413	31,123	-0.9%
<b>Enforcement Hours</b>	1,070,600	1,032,879	-3.5%
<b>Average Days to Resolve Complaint</b>	129	108	-16.3%

**Employees Receiving Fair Labor Standards Act Back Wages Increased by 30%**

In fiscal year 2003, over 300,000 employees received back wages as a result of WHD investigations in Fair Labor Standards Act cases – a 30 percent increase over last fiscal year. WHD collected over \$182 million in back wages for violations in such cases, a 27 percent increase over the \$143 million collected in FY 2002. FLSA cases represent about 83 percent of all cases handled by the agency in a fiscal year. This fiscal year, about 69 percent of the FLSA cases had monetary violations, comparable to the 70 percent of monetary violation cases in fiscal year 2002. In fiscal year 2003, WHD assessed employers \$3,204,216 in FLSA civil money penalties.<sup>1</sup>

<b>FLSA Enforcement Statistics</b>	<b>FY2002</b>	<b>FY2003</b>	<b>Change</b>
<b>Concluded FLSA Cases</b>	33,154	32,591	-1.7%
<b>FLSA Cases with Monetary Violations</b>	23,111	22,641	-2.0%
<b>Back Wages Collected for FLSA Cases</b>	\$142,979,826	\$182,119,413	27.4%
<b>Employees Receiving Back Wages</b>	241,568	314,660	30.2%

<sup>1</sup> Fiscal year 2003 is the first year that WHD is able to report on the actual assessed civil money penalties since implementation of its new database. In previous years, the reported civil money penalty assessments were the amounts that became due in the fiscal year following any post assessment negotiations with fined employers. For this reason, comparisons to prior year reporting on civil money penalty assessments would not be appropriate.

<sup>2</sup> Concluded cases include cases initiated as a result of a complaint and self-directed cases initiated by the agency. About 73 percent of all concluded cases in fiscal year 2003 were based on a complaint.

## Over 80,000 Workers in Low-Wage Industries Receive \$39,000,000 in Back Wages

WHD pursues compliance in low-wage industries with vulnerable, and often immigrant, workforces, and those industries with a history of chronic violations. In fiscal year 2003, the agency collected over \$39,000,000 in back wages for workers in selected low-wage industries, including garment manufacturing, agriculture and health care. Nearly a third of WHD enforcement resources are attributed to investigations in nine selected low-wage industries, which also include day care, restaurants, janitorial services and temporary help. Over 80,000 workers in these industries received back wages in fiscal year 2003.

Low-Wage Industries Statistics	Cases	Back Wages	Employees
Agriculture	1,762	\$2,520,268	7,952
Day Care	700	\$894,298	3,014
Restaurants	5,048	\$9,969,491	22,247
Garment Manufacturing	706	\$5,021,175	5,094
Guard Services	707	\$7,532,142	12,637
Health Care	2,177	\$8,048,353	16,139
Hotels and Motels	958	\$2,061,591	4,497
Janitorial Services	532	\$2,353,592	3,884
Temporary Help	372	\$1,194,471	5,308
<b>Total Selected Low-Wage Industries</b>	<b>12,962</b>	<b>\$39,595,382</b>	<b>80,772</b>

## Fewer Minors Found Employed in Violation

In fiscal year 2003, 25 percent fewer minors were found employed in violation of the FLSA child labor provisions, and 10 percent fewer minors were found illegally employed in hazardous occupations. The number of investigations in which child labor violations were found decreased by nearly 15 percent from fiscal year 2002. This past fiscal year, WHD assessed nearly \$5 million (\$4,981,275.5) in child labor civil money penalties.<sup>1</sup>

Child Labor Statistics	FY2002	FY2003	Change
<b>Targeted Child Labor Cases</b>	2,105	2,031	-3.5%
<b>Cases with Child Labor Violations</b>	1,936	1,648	-14.9%
<b>Minors Employed in Violation</b>	9,690	7,228	-25.4%
<b>Minors Per Case</b>	5	4.4	-12%
<b>Cases with HO Violations</b>	747	654	-12.4%
<b>Minors Employed in Violation of HOs</b>	1,610	1,449	-10%
<b>Child Labor Enforcement Time</b>	6.3%	5.9%	-6.3%

## Family and Medical Leave Act Enforcement Increased but Fewer Violations Found

The number of Family and Medical Leave Act investigations concluded increased slightly in 2003, but the number of violation cases dropped by nearly 5 percent. As a result, the amount of back wages collected and employees affected also declined. In fiscal year 2003, WHD collected nearly \$2.4 million in back wages for violations of the FMLA. Termination of employees seeking FMLA leave continues to be the primary reason that employees filed a complaint.

<b>FMLA Enforcement Statistics</b>	<b>FY2002</b>	<b>FY2003</b>	<b>Change</b>
<b>Number of Complaints</b>	3,501	3,565	1.8%
<b>Nature of Complaints</b>			
Refusal to Grant FMLA Leave	741	815	10%
Refusal to Restore to Equivalent Position	400	370	-7.5%
Termination	1,503	1,567	4.3%
Fail to Maintain Health Benefits	71	46	-35.2%
Discrimination	786	767	-2.4%
<b>Status of Compliance Action</b>			
<b>No Violation Cases</b>	1,766	1,911	8.2%
Employer Not Covered	63	68	7.9%
Employee Not Eligible	224	199	-11.2%
Complaint Not Valid	1,281	1,417	10.6%
Other	198	227	14.6%
<b>Violation Cases</b>	1,735	1,654	-4.7%
Number of Employees Affected	2,077	1,867	-10%
Amount of Monetary Damages	\$3,731,929	\$2,397,876	-35.7%