

# OFFICE OF THE NASSAU COUNTY COMPTROLLER



***NASSAU COUNTY  
LIVING WAGE LAW  
2017  
ANNUAL REPORT***

*September 5, 2018*

**JACK SCHNIRMAN  
COMPTROLLER**

# OFFICE OF THE NASSAU COUNTY COMPTROLLER

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This report is also available on our website at: <https://www.nassaucountyny.gov/Audits>

## Message from the Comptroller

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### **Hon. Jack Schnirman**

*Nassau County Comptroller*

September 5, 2018

To the People of Nassau County

This report covers the monitoring and enforcement of the Nassau County Living Wage Law (“The Law”) for calendar year 2017. The Nassau County Living Wage Law took effect in January 2007 and was implemented to ensure employees of companies that Nassau County does business with are earning a “living wage.” The Law establishes a living wage, including requirements for health benefits or a health benefit supplement, and it is updated annually.

While this report summarizes the work done under the previous Comptroller’s administration, I am pleased to report on a number of actions taken since I took office to re-energize the Living Wage Advisory Board and enhance the enforcement of the Living Wage Law. Highlights of actions taken between January of 2018 and today include the following:

- **Updated New Living Wage Rates:**
  - As of August 1, 2018 the Living Wage is \$16.41 an hour without health benefits or \$14.27 per hour with health benefits. This rate will stay in effect until July 31, 2019.
- **A More Active Living Wage Advisory Board Committee:**
  - The Living Wage Advisory Board Committee comprised of labor leaders and Living Wage advocates is a crucial source of information and expertise in local labor issues.
  - While the Living Wage Advisory Board Committee met only once in 2017, as of today, the Committee has met three times and plans to meet at least one more time this year.
  - Numerous concerns raised by Board members are being addressed through actions to improve and enhance implementation of monitoring and the enforcement of the Law.
- **Connecting with the Community to Track Down Violators**
  - A new, dedicated multi-lingual hotline was launched recently to give employees a place to confidentially report violators of the Living Wage Law and receive information about the Law.
  - This easy-to-remember hotline, **516-571-WAGE**, connects callers directly with staff in the Comptroller’s Office during business hours, so complaints may be heard. So far in 2018, we’ve experienced a 50 percent increase in callers to the Living Wage hotline, with more calls being received in Spanish.

## Message from the Comptroller

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- **Living Wage Audits that Get Results:**
  - Since implementation of the law, more than \$1 million has been recovered for 1,443 employees as a result of Living Wage audits conducted by the Comptroller's Office.
  - Every audit that involves outside contracts includes a check on compliance with the Living Wage law requirements. Audits of several vendors are currently in process and should be released in the near future.
  - A new protocol has been initiated to perform a mandatory six-month review of each audit issued to assure that corrective action plans have been fully implemented.
  
- **Working with County Partners to Better Protect Employees**
  - Proactive discussions are taking place with the County Comptroller's Office and the County Executive's Office to strengthen provisions of the Living Wage Law and increase protection to our workers. These discussions will result in a request to make changes to the Law which will be presented to the Nassau County Legislature for consideration.
  - Currently working collaboratively with the County Attorney's Office to ensure those noticed of prior violations pay the amounts owed.
  
- **Review of Living Wage Waiver Requests**
  - County contractors may request an annual waiver from the requirements of the Law from the County Executive's Office. There are several criteria that can be used by a contractor to receive a waiver, including an increase in the contractor's annual budget.
  - In the past, waiver requests were routinely granted by the County Executive's Office. In fact 100 percent of waiver requests submitted for the 2015 and 2016 calendar years were approved. Recently, waiver requests for the 2017 year submitted in 2018 were rejected, indicating a heightened level of scrutiny brought to the waiver request issue by the Living Wage Advisory Board.

Strengthening living wage protections is a major priority and I look forward to continuing the important work we are undertaking with our partners in both government and labor. We will continue to demand accountability from employers and work with the administration to fully enforce the Living Wage Law.

Respectfully Submitted,



Jack Schnirman  
Nassau County Comptroller

## Executive Summary

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### **Purpose:**

The Comptroller's Office is responsible for monitoring, investigating and auditing compliance with the Nassau County Living Wage Law.

In accordance with this responsibility, the Office of the Nassau County Comptroller must submit an Annual Report to the County Executive and the County Legislature summarizing and assessing the implementation and compliance with the Law during the preceding year.

### **Introduction**

The Nassau County Living Wage Law ("Law") was enacted by the Nassau County Legislature in 2006,<sup>1</sup> and took effect January, 2007. The Living Wage Law establishes a living wage, including requirements for health benefits or a health benefit supplement. Additionally, full-time employees receive a minimum of 12 paid days off per year. Part-time employees who work at least 20 hours per week receive proportionate compensated days off.

As a result of the Law, covered workers in Nassau County have seen increases in their hourly wages in each of the years following the implementation of the Law.

Since the Law became effective in 2007, the Comptroller's Office has released 42 Living Wage audit reports encompassing 33 different contractors. Overall, a total of \$1,139,005 in underpaid wages affecting 1,443 employees was identified. The Comptroller's Office continues to perform audits, respond to employee complaints and inquiries received, and monitor providers that were reviewed previously to ensure that they remain in compliance with the Law. The Comptroller's Office also follows-up with selected new providers who have received contracts with the County to ensure that they are in compliance with their contract regarding the Living Wage.

### **2017 Calendar Year Summary**

- On August 1, 2017, the hourly Living Wage rate in Nassau County was increased to \$16.07 for employees without health benefits and \$13.98 for employees who receive health benefits.
- The Comptroller's Office issued five living wage audits in 2017. Findings of these audits include the following:
  - The Auditors found four companies had wage underpayments totaling \$46,631 for 15 employees.

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<sup>1</sup> Nassau County Living Wage Law, Title 57 of the Miscellaneous Laws of Nassau County.

## Executive Summary

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- The Auditors found 23 employees working at three companies who did not receive a total of \$3,115 in accrued compensated time off.
- The 38 employees include some employees who had both wage underpayments and unpaid accrued time off. When accounting for the overlap, the total number of employees affected was 26.
- Auditors believe that one company violated its County contract relating to identifying employees working on County property.
- Ten waivers from the Living Wage Law were granted by the County Executive's office, eight were full waivers and two partial waivers

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## Living Wage Law 2017 Annual Report

### Background

#### The Living Wage Law

All discussions of the Law in this report refer to the Law in existence in 2017, unless otherwise noted. The Law was last amended on January 21, 2010; the amendments took effect on March 22, 2010.

#### Living Wage Rates

The Living Wage Rate is reevaluated on August 1<sup>st</sup> of each year. On August 1, 2017, the Living Wage rate increased to \$16.07 in Nassau County for an employee without health benefits. If the employer provides health benefits to an employee covered under the Living Wage Law, the employee's rate of pay was increased to \$13.98. This rate will stay in effect until August 1, 2018. The Law also mandates that full-time employees receive 12 compensated days off per year for sick leave, vacation, or personal reasons. Part-time employees who work at least 20 hours per week receive proportionate compensated days off.

The table below provides the historical living wage rates since the Law was implemented:

### Exhibit I

<b>Nassau County Living Wage Law Rates</b>			
<b>EFFECTIVE DATES</b>		<b>HOURLY RATES</b>	
From	To	With Benefits	Without Benefits
January 1, 2007	July 31, 2008	\$9.50	\$11.00
August 1, 2008	July 31, 2009	\$10.50	\$12.05
August 1, 2009	July 31, 2010	\$11.50	\$13.10
August 1, 2010	July 31, 2011	\$12.50	\$14.16
August 1, 2011	July 31, 2012	\$12.90	\$14.61
August 1, 2012	July 31, 2013	\$13.11	\$14.91
August 1, 2013	July 31, 2014	\$13.35	\$15.21
August 1, 2014	July 31, 2015	\$13.58	\$15.50
August 1, 2015	July 31, 2016	\$13.59	\$15.54
August 1, 2016	July 31, 2017	\$13.73	\$15.78
<b>August 1, 2017</b>	<b>July 31, 2018</b>	<b>\$13.98</b>	<b>\$16.07</b>

#### Application of the Law

The Law applies to the following types of contracts and leases entered into by the County after January 1, 2007:



## Living Wage Law 2017 Annual Report

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- Service contracts of \$25,000 or more; financial assistance contracts<sup>2</sup> for more than \$50,000 and where the employer has at least 10 employees; and
- leases of property<sup>3</sup> owned or controlled by the County.

The Law also applies to County subcontractors, County lessees and contractors of recipients of financial assistance from the County. Nassau Community College employees are covered by the Law, as are the College's contractors/subcontractors, and their employees. However, student workers at the College are not covered.<sup>4</sup>

The Law does not apply to vendors who enter into the following types of contracts with the County:

- service contracts and financial assistance for providers of child care services, pre-school services and early intervention services<sup>5</sup>;
- contracts where services are incidental to the delivery of products, equipment or commodities<sup>6</sup>; or
- inter-governmental contracts and financial assistance contracts for industrial development bonds, community development block grants and enterprise-zone investments<sup>7</sup>.

The Law exempts those employees who are:

- under 18 years of age and are claimed as dependents for federal tax purposes and are employed as an after-school or summer employee<sup>8</sup>;
- employed as trainee in a bona fide training program consistent with federal and state law where the training program has the goal that the employee advances into a permanent position<sup>9</sup>;
- disabled and who are covered by a current sub-minimum wage certificate issued to the employer by the United States Department of Labor, or if they would be covered by such a certificate but for the fact that the employer is paying a wage equal to or higher than the federal minimum wage<sup>10</sup>; or
- covered by a bona fide collective bargaining agreement provided that the Law is expressly referenced in the agreement.<sup>11</sup>

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<sup>2</sup> Nassau County Living Wage Law §2 (2010).

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Nassau County Living Wage Law §3 (c) (3) (2010).

<sup>6</sup> Nassau County Living Wage Law §2 (2010).

<sup>7</sup> Ibid.

<sup>8</sup> Nassau County Living Wage Law §3.

<sup>9</sup> Nassau County Living Wage Law §3 (c) (1) (B) (2010).

<sup>10</sup> Nassau County Living Wage Law §3 (2010).

<sup>11</sup> Nassau County Living Wage Law § 10 (c) (2010).

## Living Wage Law 2017 Annual Report

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### Rules

The Law provides for rulemaking:

- **The Comptroller** has promulgated Rules as they relate to the monitoring and enforcement of the Law. The primary purpose of the Rules is to define the role of the Comptroller, outline the responsibilities of covered employers, and clarify the rights of covered employees. The Comptroller's Office periodically reviews its Rules and will revise them as necessary.
- **The County Executive** has promulgated a separate set of Rules to address the procedures governing requests for waivers and to clarify certain terms. These Rules, including any amendments, can be viewed on the Comptroller's webpage under the Living Wage Law sub-heading.

### **Monitoring and Enforcement of the Law by the Comptroller's Office**

The Law charges the Nassau County Comptroller with the responsibilities of monitoring, investigating and auditing compliance with the Law. Since the Law's inception, the Comptroller's Office, through its monitoring powers, has continued to make progress in achieving the objective of bringing as many covered employers as possible into compliance with the Law.

The Comptroller's Office monitors compliance with the Law primarily through the auditing of agencies/contracts required to comply with the Law. The selection of vendors for auditing has been broadened to include any vendor with a contract with Nassau County that is subject to the Law, including construction management engineering firms, food service providers, home health agencies, as well as homeless shelters.

The Comptroller's Office also obtains from the Office of Real Estate Services any new significant leases entered into by the County that are subject to the Living Wage Law. The Law defines a county lease as "any lease, concession agreement or other agreement authorizing any party to occupy, use, control or do business at property owned or controlled by the County"<sup>12</sup>. For 2017, a lease agreement was granted to Power Management Concepts LLC, to use space at 510 Grumman Road West, Bethpage, N.Y. This property was acquired as part of a mortgage foreclosure process whereby condominium space is now being leased to various companies.

Utilizing both field audits and desk audits, we have been able to identify shortfalls in payments of both wages and compensated time off. Exhibit II below summarizes the financial results of our findings for the living wage audits issued from 2008-2017.

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<sup>12</sup> Nassau County Living Wage Law §2 (2010).

## Living Wage Law 2017 Annual Report

### Exhibit II

SUMMARY IMPACT OF LIVING WAGE AUDITS ISSUED FOR THE YEARS 2008 - 2017						
Year Issued	Wages		Compensated Time Off		Totals	
	Amount Recovered (\$)	# of Underpayment Instances	Amount Recovered (\$)	# of Underpayment Instances	Total Amt. Recovered (\$)	# of Underpayment Instances
2008-2011	\$ 250,073	398	\$ 192,779	714	\$ 442,852	1,112
2012-2017	\$ 684,037	279	\$ 12,116	52	\$ 696,153	331
<b>Grand Total</b>	<b>\$ 934,110</b>	<b>677</b>	<b>\$ 204,895</b>	<b>766</b>	<b>\$1,139,005</b>	<b>1,443</b>

Since the Law's inception, more than 1,400 people recovered payments totaling \$1,139,005 owed to them. The data for individual audits issued between 2012 and 2017 is included as Appendix A.

### 2017 Living Wage Audits

Five living wage audits were completed in 2017, two covering Personal Care Agencies, two covering construction/engineering management companies and the other covering a food service provider. Several other audits were started in 2017 and the results of these audits will be issued in the future. Living Wage audits are a component of most contract compliance audits conducted by the Comptroller's Field Audit unit.

The summary impact of the five audits issued in 2017, totaling \$49,746 of underpayments affecting 26 employees is shown in Exhibit III below:

### Exhibit III

SUMMARY OF EMPLOYEE UNDERPAYMENTS RECOVERED <sup>1</sup> LIVING WAGE AUDIT REPORTS ISSUED 2017								
Year Audit Issued	Name of Auditee	Wages		Compensated Time Off		Combined Results		
		Dollars Recovered	# of Instances of Non-Compliance	Dollars Recovered	# of Instances of Non-Compliance	Total Dollars Recovered	Total Instances of Non-Compliance	Total Employees Assisted <sup>2</sup>
<b>2017</b>	CH2M Hill Engineering, PA	\$ 292	2	\$ -	-	\$ 292	2	2
	Able Health Care Services, Inc	\$ 31,604	4	\$ 435	8	\$ 32,039	12	8
	Allen Health Care Services, Inc	\$ 74	1	\$ 256	7	\$ 330	8	8
	Gibbons, Esposito & Boyce Engineers, PC	\$ 14,661	8	\$ 2,424	8	\$ 17,085	16	8
	Dover Gourmet	\$ -	-	\$ -	-	\$ -	-	-
	<b>2017 Totals</b>	<b>\$ 46,631</b>	<b>15</b>	<b>\$ 3,115</b>	<b>23</b>	<b>\$ 49,746</b>	<b>38</b>	<b>26</b>

*Notes*

<sup>1</sup> Recoveries based on proof provided by agencies of repayments made to employees.

<sup>2</sup> The number of instances is higher than the number of employees assisted because in some instances the same employee was impacted by both a living wage underpayment and a compensated time off underpayment.

## **Living Wage Law 2017 Annual Report**

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**Below is a brief summary of the 2017 audit findings:**

### **Able Healthcare Services, Inc.**

- Able Health Care Services, Inc. contracted with the County's Department of Social Services to provide Personal Care Services to clients covered under Medicaid. Four live-in aides were underpaid for 2,094 hours totaling \$31,604. These employees were scheduled to work 13-hour shifts, but were only paid for 10 hours. The Law provides that aides be paid for every hour they are required to be at a client's home.<sup>13</sup> The New York State Department of Labor's interpretation of the law is that a home care aide employed to work a 24-hour shift must be paid for at least 13 hours.<sup>14</sup> Additionally, eight employees were underpaid a total of \$435 in compensation time.
- The agency provided proof to the Comptroller's Office that employees identified by the auditors were paid the amounts owed.

### **Allen Health Care Services, Inc.**

- Allen Health Care Services, Inc. contracted with the County to provide Personal Care Services. One live-in aide was underpaid 4.75 hours of work within a 24-hour shift totaling \$74. Additionally, seven employees were not paid for 16 hours of compensated time equaling \$256. Allen Health Care stated they will pay the amounts owed to the employees and also provide training to their payroll staff to ensure the appropriate number of hours are paid to live-in aides employed for 24 hour shifts.

### **Gibbons, Esposito and Boyce Engineers, P.C. ("GEB")**

- The County contracted with GEB to monitor removal and disposal of waterway debris following Superstorm Sandy. The County paid GEB \$40 per hour for each field monitor. Eight of the sixteen field monitors working on the County contract were underpaid a total of \$14,661. Seven of the eight underpaid employees were paid at a rate of \$13 per hour and the eighth was paid \$15 per hour.
- These eight employees also failed to receive \$2,424 of compensated time off pay. GEB stated they will comply with the Comptroller's offices' interpretation of the Living Wage law and pay their employees the money due.
- The agency provided proof to the Comptroller's Office that employees identified by the auditors were paid the amounts owed.

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<sup>13</sup> 12 N.Y.C.R.R § 142.21.

<sup>14</sup> NYS Department of Labor Opinion, RO-09-00169 – The minimum 13 hours of compensation is premised on the following: the aide is allowed 8 hours of sleep, actually receiving at least 5 un-interrupted hours of sleep and gets three long meal breaks on the 24-hour shift.

## **Living Wage Law 2017 Annual Report**

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### **CH2M Hill Engineering, P.A. (“CH2M”)**

- CH2M was hired by the Department of Public Works (DPW) to perform construction management services for the Bay Park Sewage Treatment Plant Electrical Distribution system. Auditors found that the agency underpaid two employees who were working in Poland performing administrative support functions a total of \$292. The company stated they were unaware that employees working on a Nassau County contract but not physically working in the county, were subject to the Living Wage Law rules.
- DPW approved wage rates for work on this contract far below the Nassau County Living Wage rate. One employee was paid at a rate of \$6.80 per hour and the other was paid at a rate of \$11.65 per hour. The employees have been paid the amounts due to them and the Department of Public Works has agreed to approve wage rates at the Living Wage rate and above.
- The agency provided proof to the Comptroller’s Office that employees identified by the auditors were paid the amounts owed.

### **Dover Gourmet Corporation**

- Auditors believe that Dover Gourmet violated its contract with the County and the Living Wage Law by failing to identify those employees who worked on County property and not providing the necessary payroll and time and leave records. As a result, the auditors were unable to perform testing for compliance with the Living Wage Law. Dover’s 2014 Living Wage waiver should not have been granted, as Dover used inaccurate wages to calculate the eligibility ratio relied upon when granting the waiver. Since the 2014 waiver should not have been granted, the 2015 waiver renewal and subsequent renewals are not valid.
- The Comptroller’s Office is continuing to follow-up on the findings in this report.

### **Penalties for Non-Compliance**

When an employer fails to comply with the Law after being notified in writing by the County, among other penalties, the Law originally allowed the County to impose a fine “in the amount of \$500 for each week for each employee found not to have been paid in accordance with this title”<sup>15</sup>. In light of the significant number of instances of non-compliance, in 2009 the Board recommended that the Law be amended to increase the maximum allowable fine that may be imposed by the County. These changes were implemented when the Law was amended, effective March 22, 2010, and are as follows:

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<sup>15</sup> Nassau County Living Wage Law §7 (d) (iv) (2010).

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1. Upon the issuance of the first written notice of a violation of this title an employer shall be fined in the amount of \$500 each week for each employee found not to have been paid in accordance with this title;
2. If within thirty days after such employer receives the first written notice of violation, such employer fails to cure such breach, such employer shall receive a second notice of such violation and shall be fined in the amount of \$1,000 each week thereafter for each employee found not to have been paid in accordance with this title;
3. If, within thirty days after such employer receives a second written notice of violation, such employer fails to cure such breach, such employer shall receive a third notice of such violation and shall be fined in the amount of \$2,000 each week thereafter for each employee found not to have been paid in accordance with this title.

### Waivers

County contractors may request an annual waiver from the requirements of the Law from the County Executive's Office. Section 9 of the Law sets forth the eligibility criteria that must be met to grant their request for a waiver. A contractor granted a waiver is exempt from the Living Wage Law and is not required to pay its employees the Living Wage rate for the year the waiver is granted. However, the contractor remains subject to Federal and State minimum wage requirements. All waivers requests are reviewed by a representative of the County Executive's Office for completeness and compliance with the required criteria. Not all requests for waivers are granted.

In 2017, twelve agencies submitted applications for waivers. **The County Executive's Office granted a total of ten waivers:** eight of these agencies were granted full waivers while two additional agencies were granted partial waivers. Additionally, two agencies' requests were denied.

There are several criteria that can be used by contractors in order to receive a waiver. The two most common are as follows:

1. The highest paid officer or employee of such contractor earns a salary which, when calculated on an hourly basis, is less than six times the lowest wage or salary paid by the contractor. Also taken into account for this computation are benefits, including but not limited to: dividends, a car and health insurance.
2. The Contractor's compliance with the requirements of the Law will increase their expected total annual budget in an amount greater than ten percent of the prior fiscal year's budget.

In 2010, the amended Law added the requirement that fringe benefits be included as part of the determination of the highest paid officer's total salary. The Law provides that the Comptroller can determine a method for valuing the fringe benefits in making this determination. Included in the Compensation Ratio calculation are items such as bonuses, stock options, educational assistance, housing costs, etc.

## Living Wage Law 2017 Annual Report

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Exhibit IV below provides summary information about living wage waiver activity from 2015 – 2017.

### **Exhibit IV**

<b>Summary of Living Wage Waiver Activity 2015 - 2017</b>						
<b>Year</b>	<b># Waivers Requested</b>	<b>Granted Full</b>	<b>Granted Partial</b>	<b>Request Withdrawn</b>	<b>Request Denied</b>	<b>Total Granted</b>
<b>2015</b>	<b>12</b>	9	2	1	0	<b>11</b>
<b>2016</b>	<b>10</b>	8	2	0	0	<b>10</b>
<b>2017</b>	<b>12</b>	8	2	0	2	<b>10</b>

### **Resources and Outreach**

The Comptroller’s Office provides a variety of resources and outreach measures regarding the Law, as summarized below:

- Living Wage Compliance Hotline
  - In 2017, the Comptroller’s Office continued to maintain a telephone “hotline” to field calls regarding instances of noncompliance with the Law. The hotline number is clearly noted on Living Wage posters and available on the Comptroller’s website, which state that “Complaints will remain confidential.” Complaints may also be submitted online or via regular email, and forms to file the complaints are on the Comptroller’s website.
  - In addition to the information regarding the law provided on the Comptroller’s webpage, information on the Law is provided over the phone upon request, as we recognize not all workers have access to the internet.

- Webpage

The Comptroller’s Office Living Wage webpage<sup>16</sup> includes a great deal of information and resources regarding the Law, including:

- the current Living Wage rates;
- the complete copy of the current Law;

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<sup>16</sup> **The web address is: <http://www.nassaucountyny.gov/1597/Living-Wage>**

## **Living Wage Law 2017 Annual Report**

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- the Living Wage Rules promulgated by the Comptroller and the County Executive<sup>17</sup>;
  - links to Living Wage forms in a downloadable format;
  - Frequently Asked Questions about the Law;
  - annual Living Wage Law reports for the years 2007 through 2017;
  - all Living Wage audit reports issued by the Comptroller's Office;
  - pending waiver requests;
  - forms to report instances of non-compliance; and
  - Living wage posters which include the current rates and the Living Wage Compliance Hotline number.
- Poster
    - The Comptroller's Office created a Living Wage Poster to explain the Law in a simple format. Posters are available in English and Spanish and may be downloaded from the webpage. The posters list the current Living Wage rates and the employee's right to compensated days off; they also display the Comptroller's Office Living Wage telephone hotline and e-mail address to allow individuals to contact the Comptroller's Office with questions and employee complaints.
    - The Comptroller's Rules require that Living Wage notices be posted in a conspicuous manner at all relevant work sites. The posters are updated annually to reflect the increased Living Wage rates which become effective on August 1<sup>st</sup> of each year.

### **The Living Wage Advisory Board**

The Living Wage Advisory Board, comprised of labor leaders and living wage advocates, meets to discuss ways to improve the effectiveness of the Law. Exhibit V lists the Board members as of January 1, 2017.

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<sup>17</sup> Rules of the Comptroller; Rules of the County Executive: The Nassau County Living Wage Law Miscellaneous Laws Title 57, Effective November 10, 2010, as Amended.



## Living Wage Law 2017 Annual Report

### Exhibit V

Living Wage Advisory Board Members as of January 1, 2017	
John Durso	Long Island Federation of Labor, Chairman
Richard O’Kane	Building and Construction Trades Council
Lisa Tyson	Long Island Progressive Coalition
Gemma DeLeon	Retail Wholesale Department Store Union Local 1102
Walter Barton	National Association of Letter Carriers Branch 6000
Debra Hagan	Transit Workers Union Local 252
Roger Clayman	Long Island Federation of Labor
Nick LaMorte	Civil Service Employees Association Region 1
Onika Shepherd	Service Employees International Union Local 1199

Representatives from the County Executive’s Office (employee of Office of Management and Budget), Field Audit and the Comptroller’s Office Legal Counsel are also present at the Advisory Board’s meetings.

One Living Wage Advisory Board meeting was held in January of 2017 and the following key topics were discussed:

- Living Wage audits in progress were discussed by the Director of Field Audit. It was noted that Gibbons, Esposito and Boyce Engineers, P.C. (“GEB”), an engineering company, had a contract with the County whereby the County was paying them \$40 an hour, however, they were not paying their employees the Living Wage rate.
- Members of the Living Wage Advisory Board would like to see changes to the waiver process. Specifically, they would like to see penalties imposed if waivers are revoked or if the agency fails to re-certify.

## Appendix A

<b>SIX YEAR SUMMARY OF EMPLOYEE UNDERPAYMENTS RECOVERED<sup>1</sup></b>								
<b>LIVING WAGE AUDIT REPORTS ISSUED 2012 - 2017</b>								
Year Audit Issued	Name of Auditee	Wages		Compensated Time Off		Total# of		Total Employees Assisted**
		Dollars Recovered	# of Instances of Non- Compliance	Dollars Recovered	# of Instances of Non- Compliance	Total Dollars Recovered	Instances of Non- Compliance	
2012	A&B Healthcare Services, Inc. *	\$ -	-	\$ -	-	\$ -	-	-
	Cottage Home Care, Inc. *	-	-	-	-	-	-	-
	Jzanus Home Care, Inc	8,039	100	-	-	8,039	100	100
2013	Bethany House	10,055	14	-	-	10,055	14	7
	Community Housing Innovations, Inc.	1,810	15	-	-	1,810	15	14
	Glory House Recovery	1,523	1	-	-	1,523	1	1
	Peace Valley Haven, Inc.	122,264	38	-	-	122,264	38	26
2014	Peace Valley Haven, Inc.	16,735	15	-	-	16,735	15	15
	Utopia Home Care Inc. *	-	-	-	-	-	-	-
2015	Eager to Serve, Inc.	5,116	13	\$ 4,266	8	9,382	21	13
	microMEDIA®	461,466	38	3,846	14	465,312	52	38
2016	Armor Correctional Health Services, Inc.	10,398	30	889	7	11,287	37	23
2017	CH2M Hill Engineering, PA	292	2	-	-	292	2	2
	Able Health Care Services, Inc	31,604	4	435	8	32,039	12	8
	Allen Health Care Services, Inc	74	1	256	7	330	8	8
	Gibbons, Esposito & Boyce Engineers, PC	14,661	8	2,424	8	17,085	16	8
	Dover Gourmet	-	-	-	-	-	-	-
<b>Totals:</b>		<b>\$ 684,037</b>	<b>279</b>	<b>\$ 12,116</b>	<b>52</b>	<b>\$ 696,153</b>	<b>331</b>	<b>263</b>

Notes

<sup>1</sup> - Recoveries based on proof provided by agencies of repayments made to employees.

\* These Living Wage Audit Reports noted no instances of wage or compensated time off underpayments to employees.

\*\* The number of instances is higher than the number of employees assisted because in some instances the same employee was impacted by both a living wage underpayment and a compensated time off underpayment.