



COMMONWEALTH of VIRGINIA  
DEPARTMENT OF LABOR AND INDUSTRY

Gary G. Pan  
COMMISSIONER

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November 1, 2022

Division of Legislative Automated Systems (DLAS)  
Pocahontas Building, 5<sup>th</sup> Floor  
900 East Main Street  
Richmond, Virginia 23219

Attention: Legislative Documents and Reports Processing

Attached is the Department of Labor and Industry *Annual Report on the State's Minimum Wage Program, Anti-Discrimination in Payment of Wage Program, Anti-Discrimination in Worker Misclassification Program and the Prevailing Wage Rate Program*. The Appropriation Act – Item 365 B.1-4. (Special Session 1, 2022) required the Department to make this report.

I am the contact person for this report. My contact information is:

Robert B. Feild  
804-786-4777  
[robert.feild@doli.virginia.gov](mailto:robert.feild@doli.virginia.gov)

Sincerely,

A handwritten signature in black ink that reads "Robert B. Feild".

Robert B. Feild  
Hearing and Legal Services Officer



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The Honorable Janet Howell  
Chair, Senate Finance and Appropriations Committee  
Virginia General Assembly  
900 East Main Street  
Richmond, Virginia 23219

The Honorable Barry D. Knight  
Chair, House Appropriations Committee  
Virginia General Assembly  
900 East Main Street  
Richmond, Virginia 23219

Michael Maul  
Director, Department of Planning and Budget  
1111 East Broad Street, Room 5040  
Richmond, Virginia 23219-1922

Dear Senator Howell, Delegate Knight and Director Maul:

Appropriation Act - Item 365 B.1-4. (Special Session 1, 2022) required the Department of Labor and Industry to report on the state's minimum wage program, anti-discrimination in payment of wage program, anti-discrimination in worker misclassification program and the prevailing wage rate program:

*B.1. The Department shall report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director, Department of Planning and Budget, by November 1 of each year on the state's minimum wage program, including, but not limited to, the number of (i) customer contacts concerning minimum wage, (ii) minimum wage claims processed, (iii) cases with wages collected, (iv) cases with claims ruled invalid, (v) cases with final orders issued, and (vi) cases cleared within 90 days.*

2. *The Department shall report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director, Department of Planning and Budget, by November 1 of each year on the state's anti-discrimination in payment of wage program, including, but not limited to, the number of (i) customer contacts concerning discrimination involving payment of wage complaints or proceedings, (ii) payment of wage discrimination complaints processed, (iii) meritorious complaints with payment of wage discrimination resolved with either reinstatement or recovery of lost wages, (iv) non meritorious complaints, i.e. cases with no adverse action or no protected activity, and (v) cases taken to court.*

3. *The Department shall report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director, Department of Planning and Budget, by November 1 of each year on the state's anti-discrimination in worker misclassification program, including, but not limited to, the number of (i) customer contacts concerning discrimination involving worker misclassification, (ii) discrimination in worker misclassification claims processed, (iii) meritorious complaints with worker misclassification wage discrimination resolved with either reinstatement and/or recovery of lost wages, (iv) non meritorious complaints, i.e. cases with no adverse action or no protected activity, and (v) cases taken to court.*

4. *The Department shall report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director, Department of Planning and Budget, by November 1 of each year on the state's prevailing wage rate program, including, but not limited to, the number of (i) contacts from state agencies to determine the proper prevailing wage, (ii) prevailing wage determinations for the involved planning district calculated using Davis-Bacon rates for the cities and counties within the planning district, and (iii) contractor provided scale of pay and fringe benefits certified and received.*

This letter provides the information requested on the newly passed programs in the Department's Labor Law Division.

B.1. asks for information on the minimum wage program. Entry wages in many areas of the state are above the current minimum wage in Virginia reducing the number of minimum wage claims.

<b>Minimum Wage Enforcement</b>	
<b>Customer Contacts</b>	1238
<b>Minimum Wage Claims Processed</b>	58
<b>- Cases with Wages Collected</b>	8
<b>- Cases Ruled Invalid</b>	43
<b>Cases with Final Orders Issued</b>	3
<b>Cases Cleared in 90 Days</b>	55

B.2. asks for information about the anti-discrimination in payment of wage program. As more people have become aware of these protections we have seen an increase in complaints.

<b>Anti-Discrimination in Payment of Wage</b>	
<b>Customer Contacts</b>	352
<b>Complaints Processed</b>	52
<b>Meritorious Complaints Resolved</b>	
- Reinstatement	0
- Recovery of Lost Wages	0
<b>Non Meritorious Complaints</b>	52
<b>Cases Taken to Court</b>	0

B.3. asks for information about the anti-discrimination in worker misclassification program. We have seen an increase in contacts about but complaints have not increased.

<b>Anti-Discrimination in Worker Misclassification</b>	
<b>Customer Contacts</b>	188
<b>Complaints Processed</b>	2
<b>Meritorious Complaints Resolved</b>	
- Reinstatement	0
- Recovery of Lost Wages	0
<b>Non Meritorious Complaints</b>	2
<b>Cases Taken to Court</b>	0

B.4. asks for information on the prevailing wage rate program. Some local governments have adopted or are in the process of adopting prevailing wage ordinances. We have included contacts from localities in this report.

<b>Prevailing Wage</b>	
<b>Contacts with State and local Agencies to Determine Proper Prevailing Wage</b>	324
<b>Prevailing Wage Determinations</b>	276
<b>Certified Pay and Fringe Benefit Scales Received</b>	678

I look forward to reporting on these programs next November,

Sincerely,



Gary G. Pan  
 Commissioner  
 Department of Labor and Industry