



COMMONWEALTH of VIRGINIA
DEPARTMENT OF LABOR AND INDUSTRY

Gary G. Pan
COMMISSIONER

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November 2, 2023

The Honorable Janet D. Howell
Co-Chair, Senate Finance and Appropriations Committee
General Assembly Building
Room No: 612
Senate of Virginia
P. O. Box 396
Richmond, VA 23218

The Honorable George L. Barker
Co-Chair, Senate Finance and Appropriations Committee
General Assembly Building
Room No: 513
Senate of Virginia
P. O. Box 396
Richmond, VA 23218

The Honorable Barry D. Knight
Chair, House Appropriations Committee
General Assembly Building
201 North 9th Street,
Richmond, Virginia 23219

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

Dear Senator Howell, Senator Barker, Delegate Knight, and Director Maul:

In accordance with Item 365 B.1. (Special Session I, 2023) the Department of Labor and Industry (The Department) is required 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.

MINIMUM WAGE PROGRAM

B.1. asks for information regarding the Department's contacts and claims concerning minimum wage. On January 1, 2022, Virginia's minimum wage rate increased to \$11.00 per hour. On January 1, 2023 the minimum wage in Virginia increased to \$12.00 per hour.

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|---------------------------------------|------------------------------|
| Minimum Wage Enforcement | |
| Customer Contacts | 684 |
| Minimum Wage Claims processed | 18 |
| Cases with Wages Collected | 8 |
| Cases Ruled invalid | 7 |
| Cases with Final Orders issued | 6 |
| Cases cleared in 90 days | 15 (3 Claims Currently Open) |

ANTI-DISCRIMINATION IN PAYMENT OF WAGE PROGRAM

B.2. asks for information regarding the Department's contacts and claims concerning the anti-discrimination in payment of wage program.

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| Anti-Discrimination in Payment of Wage | |
| Customer Contacts | 259 |
| Complaints processed | 18 |
| Meritorious Complaints resolved | |
| -Reinstatement | 0 |
| -Recovery of Lost Wages | 0 |
| Non Meritorious Complaints | 18 |
| Cases Taken to Court | 0 |

ANTI-DISCRIMINATION IN WORKER MISCLASSIFICATION PROGRAM

B.3. asks for information regarding the Department's contacts and claims concerning worker misclassification.

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| Anti-Discrimination in Worker Misclassification | |
| Customer Contacts | 197 |
| Complaints Processed | 2 |
| Meritorious Complaints Resolved | |
| -Reinstatement | 0 |
| -Recovery of Lost Wages | 0 |
| Non Meritorious Complaints | 2 |
| Cases Taken to Court | 0 |

PREVAILING WAGE PROGRAM

B.4. asks for information regarding the Department's monitoring of the prevailing wage program. The data reported below includes contacts from localities to determine the applicable prevailing wages.

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| Prevailing Wage | |
| Contacts with State and Local Agencies to Determine Proper Prevailing Wage | 1,427 |
| Prevailing Wage Determinations | 740 |
| Certified Pay and Fringe Benefit Scales Received | 1,300 |

The Department remains committed to ensuring that Virginians are paid fairly and in accordance with the law. I look forward to reporting on these programs next November.

Sincerely,



Gary G. Pan
Commissioner