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More than $3 billion in stolen wages recovered for workers between 2017 and 2020

Report • By Ihna Mangundayao, Celine McNicholas, Margaret Poydock, and Ali Sait • December 22, 2021

Over the last four decades, the U.S. economy has been marked by extreme inequality, which has only been exacerbated by the COVID-19 pandemic. In the midst of this global pandemic and an economic crisis, the number of individuals with household weekly earnings below the poverty line rose to 65.1 million, a 28% increase from February to June 2020 (Saenz and Sherman 2020). In contrast, CEO pay rose by nearly 19% in 2020 (Mishel and Kandra 2021). This rise in poverty and pay inequality is compounded by wage theft, which robs millions of workers of billions of dollars from their paychecks each year (Cooper and Kroeger 2017).

Wage theft occurs any time employees do not receive wages to which they are legally entitled for their labor. This could take many forms, including paying workers less than the minimum wage, not paying overtime premiums to workers who work more than 40 hours a week, or asking employees to work "off the clock" before or after their shifts.

Even the theft of seemingly small amounts of time can have a large impact. Consider a full-time, minimum wage worker earning the federal minimum wage of $7.25 an hour who works just 15 minutes "off the clock" before and after their shift every day. That extra half-hour of unpaid work each day represents a loss to the worker (and a gain to the employer)

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of around $1,400 per year, including the overtime premiums they should have been paid. That's nearly 10% of their annual earnings lost to their employer that can't be used for utilities, groceries, rent, or other necessities.

What this report finds: Each year millions of workers across the country are victims of wage theft—meaning they are paid less than the full wages to which they are legally entitled. Between 2017 and 2020, more than $3 billion in stolen wages was recovered on behalf of workers by the U.S. Department of Labor, state departments of labor and attorneys general, and through class and collective action litigation.

Why it matters: This staggering amount represents just a small portion of wages stolen from workers across the country. And while wage theft impacts workers broadly, it disproportionately affects low-wage workers, many of whom already are struggling to make ends meet. Wage theft also disproportionately impacts women, people of color, and immigrant workers because they are more likely than other workers to be in low-wage jobs. Finally, these stolen wages hurt local economies and tax revenues.

What can be done about it: Increase funding for the Department of Labor's Wage and Hour Division to boost institutional and investigative capacity; engage in proactive and strategic enforcement in those industries where violations are especially severe or rampant; enhance civil monetary penalties for wage and hour violations; protect worker rights to collective action, as union workers are less likely to experience wage theft because they have the bargaining power to establish mechanisms to combat the practice; and strengthen efforts at the state and local levels, including boosting funding for state and local enforcement.

Background and prior studies

While quantifying the true extent of wage theft can be a challenging undertaking—much of it goes unreported—existing reports and studies paint a clear picture: Wage theft is a costly and undeniably pervasive problem that affects millions of workers across the country.

Cooper and Kroeger (2017) investigated just one type of wage theft and found that in the 10 most populous states in the country, 17% of eligible low-wage workers reported being paid less than the minimum wage, amounting to 2.4 million workers losing $8 billion annually. Extrapolating from these 10 states, Cooper and Kroeger estimate that workers throughout the country lose $15 billion annually from minimum wage violations alone.

The personal cost of wage theft to these workers is significant: Cooper and Kroeger found that on average, the workers suffering from minimum wage violations in these 10 states were cheated out of $64 a week—about $3,300 annually for year-round workers. These workers lost almost one-quarter of their earnings, receiving on average only $10,500 in annual wages instead of the $13,800 they should have received.

What is wage theft?

Wage theft is the failure to pay workers the full wages to which they are legally entitled. Wage theft can take many forms, including but not limited to:

- **Minimum wage violations:** Paying workers less than the legal minimum wage
- **Overtime violations:** Failing to pay nonexempt employees time and a half for hours worked in excess of 40 hours per week
- **Off-the-clock violations:** Asking employees to work off the clock before or after their shifts
- **Meal break violations:** Denying workers their legal meal breaks
- **Illegal deductions:** Taking illegal deductions from wages
- **Tipped minimum wage violations:** Confiscating tips from workers, or failing to pay tipped workers the difference between their tips and the legal minimum wage
- **Employee misclassification violations:** Misclassifying employees as independent contractors to pay a wage lower than the legal minimum or to avoid paying overtime

Further, only a small portion of stolen wages are ever recovered on behalf of workers. A 2017 EPI report found that in 2015 and 2016 combined, only $2 billion in unpaid wages were recovered by the U.S. Department of Labor (DOL), state departments of labor and attorneys general, and through class action litigation (McNicholas, Mokhiber, and Chaikof 2017).

A recent report from the National Employment Law Project (NELP) further illustrates the prevalence of wage theft and employers' use of forced arbitration agreements to diminish their culpability. Such agreements are increasingly included as a condition of employment and prohibit employees from suing their employer or pursuing a class action lawsuit. Instead, workers are forced to pursue claims and disputes through arbitration—a secretive process that heavily favors employers.

The authors of the NELP report find that in 2019 alone, $9.27 billion was stolen from workers who earned less than $13 an hour and who were subject to forced arbitration agreements. Further, as many as 26% of the 17.75 million private-sector, nonunion workers subject to forced arbitration, or 4.6 million workers, experienced wage theft in 2019. In addition to legal barriers to recourse, the vast majority of workers experiencing wage theft do not report the violation or seek legal remedies out of fear of retaliation from their employers (Baran and Campbell 2021).

While wage theft impacts workers from all income levels, it frequently occurs in low-wage industries. The makeup of workers in these industries is also highly racialized and gendered—disparities that have only gotten worse in recent years—and, as a consequence, women, workers of color, and immigrants are more likely than their white counterparts to be victims of wage theft.

Wage theft comes at a great cost to workers, but it also shifts costs from the employers to the taxpayers (Cooper and Kroeger 2017). When employers withhold pay from their workers, they also hurt local economies and incur costs to taxpayers. According to the California Department of Labor Standards Enforcement, misclassification of workers—just one other type of wage theft—costs the state more than $7 billion every year.[1] Similarly, a study of the construction industry in Illinois, Minnesota, and Wisconsin reveals that these states lose out on at least $362 million in tax revenues annually due to misclassification of workers alone (Goodell and Manzo IV 2021). Wage theft devastates individual workers, their families, and their communities.

Findings and analysis

Our analysis shows that $3.24 billion in stolen wages was recovered for workers from 2017 to 2020 by the U.S. Department of Labor, state agencies, and class action litigation. However, it's critical to remember that this statistic is not representative of all wage theft in the United States, as federal and state recovery continue to lag, and the vast majority of workers will never file a claim to recover stolen wages. For example, Estlund (2018) estimates that 98% of low-wage, private-sector, nonunion employees subject to forced arbitration do not file a wage claim when their wages are stolen (cited in Baran and Campbell 2021).

Our analysis shows that the amount of wages recovered for workers dropped significantly in 2020 across all channels of wage recovery. The U.S. Department of Labor recovered 20% less for workers in 2020 than in 2019, while state departments of labor and attorneys general recovered 15.5% less,[2] and class action settlements were 34% smaller. In addition, while DOL conducted a record number of audits in 2020, it still saw a significant drop in recovered wages (Seyfarth Shaw LLP 2021). Further, in 2020, Fair Labor Standards Act (FLSA) collective action lawsuits were filed more frequently than all other types of workplace class actions, yet all workplace class actions together yielded $154 million less in 2020 than in 2019. These trends are likely a result of both continued low levels of enforcement and increased complaints overwhelming investigators during the pandemic (Fine et al. 2020).

Wage recovery by the U.S. Department of Labor

Based on our analysis of Wage and Hour Division (WHD) enforcement data, the U.S. Department of Labor recovered $270.4 million for workers in fiscal year 2017,[3] $304.9 million in fiscal 2018, $322.5 million in fiscal 2019, and $257.8 million in fiscal 2020, for a total of $1.156 billion across all four years (see **Table 1**).[4] These wages were recovered on behalf of more than 1 million employees during this period, with an average of $1,101 in recovered wages per worker (WHD 2021).

Table 1

Back wages recovered by the U.S. Department of Labor, fiscal years 2017–2020

	FY2017	FY2018	FY2019	FY2020	Total
Back wages	$270,403,906	$304,914,114	$322,490,774	$257,829,604	$1,155,638,398
Employees receiving back wages	240,608	265,027	313,941	229,934	1,049,510
Average amount recovered per worker	$1,124	$1,151	$1,027	$1,121	$1,101

Source: EPI analysis of U.S. Department of Labor, Wage and Hour Division (WHD) enforcement database, 2021.

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Wage recovery by state departments of labor and attorneys general

During the summer of 2021, EPI contacted state departments of labor and attorneys general via phone and email to compile data on their wage recovery efforts. We collected data, summarized in **Appendix Table A1**, from 41 states and the District of Columbia; for the nine other states, we either did not receive a response to our request, the states did not track the requested data, or they were unable to provide the requested data.

According to our analysis, state departments of labor and attorneys general in 41 states and the District of Columbia recovered $138.3 million in 2017, $138.3 million in 2018, $155.5 million in 2019, and at least $126.1 million in 2020,[5] for a total of $558.2 million recovered over those four years. Thirty-three of the 41 states reported the number of employees who received back pay, with an average wage recovery per employee across those 33 states of $1,572 (not shown in the table).

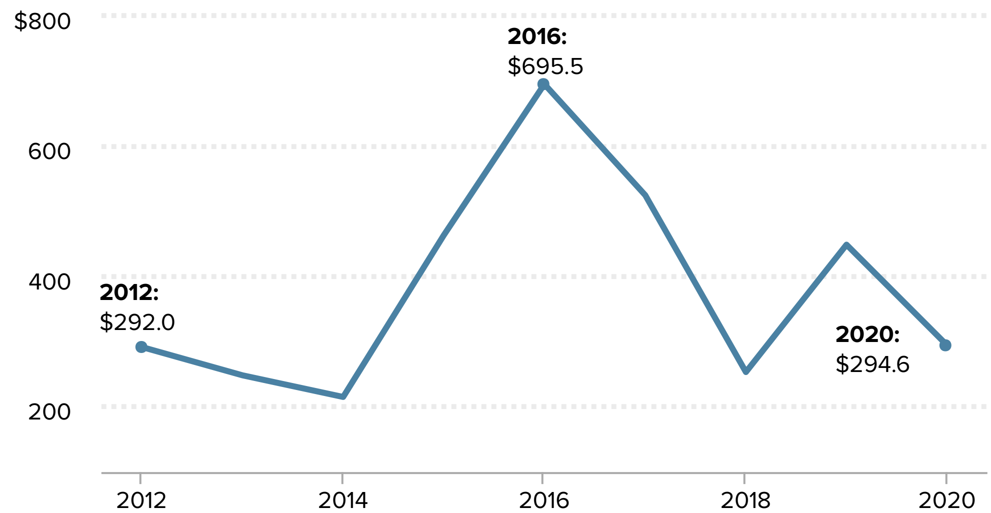
Wage recovery through class action settlements

According to a 2021 analysis by the law firm Seyfarth Shaw, the value of the top 10 wage and hour class action settlements totaled $525 million in 2017, $253.5 million in 2018, $449 million in 2019, and $294.6 million in 2020, for a total of $1.5 billion during this period. (See **Figure A**.) The total value of these class action settlements exceeds the values of the DOL and state-level wage recovery efforts we report above.

Despite class action settlements recovering the most wages for employees over these years, the value of the top 10 class action settlements peaked in 2016 at $695.5 million and has declined since (see Figure A) (Seyfarth Shaw LLP 2021). This decline could be

Figure A

Value of top 10 wage and hour class action settlements (in millions), 2012–2020



Source: Seyfarth Shaw LLP, *17th Annual Workplace Class Action Litigation Report*, 2021.

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attributed to the Supreme Court's 2018 ruling in *Epic Systems v. Lewis*, which allows employers to force workers to use arbitration instead of class action lawsuits in cases of wage theft. The use of forced arbitration agreements to settle wage theft claims is costly for workers: The typical award per worker in forced arbitration ($36,500) is only 21% of the median award in a class action lawsuit in the federal courts ($176,426) (Stone and Colvin 2015).

Case studies

Below, we provide examples of wage theft cases to illustrate the broad scope of this problem, across states and industries, as well as the extreme measures employers take to steal wages—often with little incentive to change their behavior.

Washington, D.C., Attorney General — Power Design

In the case of Power Design Inc., D.C. Attorney General Karl Racine obtained a settlement of $2.75 million in January 2020. The settlement resolved a lawsuit that was brought by the AG's office on behalf of the District of Columbia in 2018; the lawsuit alleged the company misclassified more than 500 electrical workers as independent contractors in order to avoid labor laws that apply to employees. The offending company is a major construction contractor with an annual revenue of more than $100 million. The suit alleged that Power Design Inc. failed to pay employees the required minimum wage and overtime wages, did not provide paid sick leave as required by D.C. law, and evaded D.C.-imposed payroll taxes.

The company was required to pay $879,056 in back wages to workers, in addition to a $1.8 million fine to the District of Columbia and a $50,000 fine to support local workforce development programs. The Office of the D.C. Attorney General used its authority granted in 2017 to investigate wage theft and penalize violators of labor laws to impose the penalties and resolve this case (OAG DC 2020).

California Labor and Workforce Development Agency — RDV Construction

The California labor commissioner cited RDV Construction for $12 million in unpaid wages and additional penalties for more than 1,000 workers employed at 35 jobsites between 2014 and 2017. The Labor Commissioner's Office determined in its investigation ending in 2019 that RDV Construction failed to pay workers all of their wages after a number of checks bounced. Further, the company required its employees to work nine-hour days without breaks or overtime pay, and it regularly withheld between 10% and 25% of wages from workers.

Consequently, RDV Construction was ordered to pay $5.4 million in penalties for failing to pay 1,089 workers on time, $1.6 million to 844 employees for minimum wage violations, $1.7 million in damages for the minimum wage violations, $1.77 million for failing to provide 1,125 employees with appropriate rest breaks, $566,897 to 1,111 workers for a lack of appropriate overtime pay, and $882,981 to 1,109 employees for improper wage statements (CA DIR 2019).

Wisconsin Attorney General — Golden Guernsey Dairy

The Wisconsin Department of Justice (WDOJ) arrived at an agreement in December 2020 with Golden Guernsey Dairy, which filed for bankruptcy without paying its employees. WDOJ collaborated with the Wisconsin Department of Workforce Development to secure more than $1 million in wages owed to employees. The company employed more than 100 people in a large dairy-processing facility, yet closed abruptly without providing the required 60-day advance notice or paying workers the wages and benefits they were due (WDOJ 2020).

New York Attorney General — Intergen Health and Amazing Home Care Services

As part of a wide-ranging investigation dating back to 2018, New York Attorney General

Letitia James obtained an agreement with two home health care agencies to pay $18.8 million to about 12,000 home health aides. The attorney general's office conducted the investigation with the New York City Department of Consumer and Worker Protection and found that Intergen Health LLC and Amazing Home Care Services repeatedly failed to provide paid sick leave and failed to pay their workers for overtime work, unscheduled shifts, travel time, and live-in shifts. The agreement also requires the two agencies to make policy changes to prevent further wage theft and violation of New York City's Paid Safe and Sick Leave Law (NYS OAG 2021).

Tennessee — M Street Entertainment Group

In a settlement of a private class action lawsuit in early March 2021, M Street Entertainment Group agreed to pay $600,000, including $380,922 in back wages and damages, to 242 of its employees. The restaurant workers, who received an average of $1,574 each from the settlement, alleged that their employer distributed their tips to nontipped workers and frequently overestimated the amount they owed the restaurant after each shift. They also were forced to perform nontipped work, either after their typical work hours or for a longer duration than is acceptable under current regulations. Further, some workers were reportedly forced to pay for business expenses like restaurant equipment and uniforms (Stephenson 2021).

Solutions

Increased funding for enforcement agencies, greater and strategic enforcement, higher and meaningful civil monetary penalties (CMPs) to deter violations, and labor law reform present opportunities to aggressively combat the wage theft so prevalent across the country.

Federal solutions

Increasing funding for DOL's Wage and Hour Division should be a top priority for the current administration to boost its institutional and investigative capacity. In large part, WHD's inability to fully enforce worker protection statutes can be linked to chronically insufficient resources, which only worsened during the Trump administration. Inadequate resources impede the hiring of more investigators or inspectors—staff who play critical roles in initiating investigations and ensuring compliance.

Notably, even before the Trump administration, WHD had suffered from a steady decline in critical staffing, forcing investigators to further stretch already-thin resources (GAO 2020). Therefore, it is not enough to simply restore the agency's resources to pre-Trump levels. As the prevalence of wage theft continues to grow, funding for the WHD and enforcement levels should rise in relation to the ever-growing and more complex U.S. workforce. The Biden administration's recent push to increase funding for WHD by at least $30 million—which would allow the agency to increase its staffing levels by at least 11%—is a necessary step toward ensuring adequate enforcement of the law (DOL 2021).

Still, the department's challenges extend beyond insufficient funding and limited investigators. To address fissuring workplaces and combat unscrupulous employers, the agency must shift its approach and instead engage in strategic enforcement. This requires reviving the Obama-era strategy of maximizing directed and proactive investigations in industries where violations are especially severe or rampant. Tackling wage theft at the industry level is critical to large-scale restitution for employees and sustainable changes in employers' behavior. Strategic enforcement allows the agency to do so in spite of limited resources.

In addition to increased and strategic enforcement, there is also a great need to raise the costs to employers of violating wage and hour laws. Current levels of civil monetary penalties (CMPs) are woefully insufficient, which has been detrimental to incentivizing compliance among employers. For example, DOL can issue CMPs of up to $2,074 for minimum wage and overtime violations—a minuscule amount—and the vast majority of cases involve no fines (McNicholas et al. 2021). In contrast, the Securities and Exchange Commission enforces regulations surrounding insider trading with a civil monetary penalty of up to $2.16 million (SEC 2021). Higher CMPs that are employed more frequently would create a more effective enforcement structure that increases the cost to employers of shorting workers and adds weight to existing laws.

Finally, union workers are less likely to experience wage and hour violations because they have bargaining power to establish mechanisms to combat wage theft. For example, unions allow for better-defined work standards and provide more avenues of recourse to pursue legal action against employer misconduct. Ensuring that all workers who want a union can win union representation is an effective way of combating wage theft and building worker power. The Protecting the Right to Organize (PRO) Act, which passed the House of Representatives in early March 2021 and is now pending before the Senate, would strengthen the rights of workers to join a union and thereby strengthen protections for workers.[6]

State and local efforts

In the absence of sufficient federal enforcement efforts and legislation, an increasing number of district attorneys and state attorneys general have been prosecuting employers for wage theft, including in criminal cases (Gerstein 2021). This represents a major shift: Historically, wage theft and other crimes against workers have not been tried in the courts and have not involved DAs and state AGs; they have primarily been the domain of labor departments.

As their work prosecuting wage theft grows, these state and local attorneys' offices are creating dedicated units to proactively investigate wage theft in addition to handling individual cases as they arise. Minnesota's attorney general's office established its Wage Theft Unit with the specific goal of advancing the rights of those "from communities and backgrounds that are most vulnerable to theft and abuse" (MN AGO 2019). The Illinois Attorney General's office has established a Workplace Rights Bureau that investigates and litigates cases involving wage law violations with a particular focus on protecting immigrant populations and vulnerable residents (IL AG n.d.). The direct involvement of criminal prosecutors in particular is likely to significantly deter wage theft, including by those companies with similarly exploitative business models that dismiss monetary penalties as simply part of doing business (Gerstein 2021).

To deter future violations, several states have also taken action to increase the costs of wage theft to employers. Connecticut requires employers to pay employees back double for any wages stolen. Some states require employers to pay back three times the amount stolen from workers in certain cases (USW 2015; NELP 2011).[7] Galvin (2016) has shown that this tactic of "treble damages" is the most effective, measurable deterrent of wage theft at the state level, with additional penalties also making a notable impact in reducing the incidence of wage theft. And in addition to the increase in criminal prosecution mentioned above, some states have instituted criminal fines for wage theft. Minnesota has a law that specifies criminal charges with jail time and fines of up to $100,000 for those who commit wage theft, in addition to requiring the recordkeeping measures described above.[8] In Washington, D.C., employers who commit wage theft can be found guilty of a misdemeanor and sentenced to up to 90 days in prison, in addition to a $10,000 fine for each affected employee.[9]

Other states also have instituted preventive laws that center on increasing transparency and awareness in order to proactively combat wage theft. Such laws can be found, for example, in California,[10] Iowa,[11] and South Carolina.[12] These laws require that employees provide clear, written information to new hires about their expected wages, deductions, paydays, paid sick leave, workers' compensation, and employer contact information, to make it easier for employees to recognize wage theft.

In addition to action by states, a number of cities have also begun to directly combat wage theft in recent years. Through a 2016 ordinance, Cincinnati created a "zero-tolerance policy for wage theft" on city development projects that includes penalties and reporting requirements. It also prevents offending companies from receiving future contracts with the city (Hussein and Coolidge 2016). Denver passed an ordinance that would make it a crime to "knowingly refuse to pay wages or compensation owed to any worker" (Metzger 2021). The city also established a wage theft unit to prosecute wage theft cases, regardless of the amount of lost wages, and seek restitution on behalf of workers. The Los Angeles sheriff has instructed the sheriff's office to work through the 8,000 court judgments that instruct employers to pay unpaid wages, "tracking down delinquent violators…and getting settlements into the hands of workers" (Villanueva 2021; Licas 2021). Early this year, Chicago passed its first local Wage Theft Law, which granted the city's Office of Labor Standards greater ability to combat wage theft (City of Chicago 2021).

Conclusion

The persistence of wage theft is a widespread epidemic that costs workers, their families, and communities billions of dollars each year. While states, localities, and the federal government have in place measures to deter wage theft and recover lost wages, these measures still only scratch the surface of this pervasive problem. Current enforcement efforts and wage and hour laws are failing to ensure that workers receive the pay they have rightfully earned. The Department of Labor's Wage and Hour Division must shift its priorities and engage in proactive and strategic enforcement, while legislators should take immediate and decisive action to address the wage theft epidemic by implementing meaningful civil monetary penalties and passing the Protecting the Right to Organize Act. Finally, funding for enforcement needs to be boosted at the federal, state, and local levels.

Appendix Table A1

Wage recovery by state departments of labor and attorneys general, 2017–2020

State	2017	2018	2019	2020	Total	2021 employment level
Alabama	NW	NW	NW	NW	—	2,060,300
Alaska	$244,832	$314,680	$330,898	$235,424	$1,125,834	310,300
Arizona	NA	NA	NA	NA	—	2,987,000
Arkansas	$945,230	$178,836	$290,335	$356,367	$1,770,767	1,276,800
California	$50,842,698	$51,969,798	$63,402,049	$54,803,213	$221,017,758	16,774,600
Colorado	$910,777	$1,117,450	$947,756	$1,307,716	$4,283,699	2,756,300
Connecticut	$4,936,685	$5,525,387	$2,875,265	$4,363,912	$17,701,248	1,616,800
Delaware	NW	NW	NW	NW	—	452,300
District of Columbia	$2,802	$39,475	$209,090	$2,384,056	$2,635,423	759,500
Florida	NW	NW	NW	NW	—	8,902,400
Georgia	NW	NW	NW	NW	—	4,605,600
Hawaii	$1,060,062	$357,174	$465,106	$414,668	$2,297,010	576,900
Idaho	$464,004	$373,340	$366,724	$333,935	$1,538,004	785,700
Illinois	$3,355,585	$3,207,469	$4,398,372	$4,059,077	$15,020,503	5,856,100
Indiana	$257,397	$297,142	$347,312	$512,485	$1,414,336	3,079,200
Iowa	$161,739	$174,063	$196,774	$202,864	$735,440	1,539,900
Kansas	$833,675	$701,534	$744,173	$744,251	$3,023,631	1,388,700
Kentucky	$1,934,011	$1,089,287	$4,934,106	$770,218	$8,727,622	1,885,000
Louisiana	NW	NW	NW	NW	—	1,854,500
Maine	$236,954	$200,767	$254,736	$423,490	$1,115,948	613,600
Maryland	$1,186,367	$1,597,341	$1,791,509	$864,716	$5,439,933	2,687,900
Massachusetts	$3,630,861	$5,001,019	$5,225,035	$6,038,949	$19,895,864	3,542,800
Michigan	$2,026,461	$1,952,589	$942,622	$1,959,003	$6,880,675	4,223,900
Minnesota	$665,000	$1,198,689	$2,119,551	$842,957	$4,826,197	2,875,800
Mississippi	NW	NW	NW	NW	—	1,146,900
Missouri	$31,780	$74,081	$29,533	$62,430	$197,824	2,851,500
Montana	$423,956	$380,212	$505,827	$374,802	$1,684,797	482,000
Nebraska	$423,586	$440,509	$471,503	$547,314	$1,882,912	1,024,100
Nevada	$1,448,877	$1,911,581	$953,528	NA	$4,313,986	1,363,800
New Hampshire	$1,363,131	$1,047,531	$1,395,887	NA	$3,806,549	664,000
New Jersey	$6,129,121	$4,881,373	$6,634,903	$3,743,700	$21,389,097	4,025,300
New Mexico	NA	NA	$95,804	$684,586	$780,390	817,100
New York	$35,400,000	$35,100,000	$34,800,000	$24,600,000	$129,900,000	9,030,000
North Carolina	$1,183,811	$1,186,343	$1,360,031	$1,145,178	$4,875,363	4,554,300
North Dakota	$660,424	$440,149	$464,816	$474,076	$2,039,464	417,600
Ohio	$200,637	$709,021	$463,669	$465,882	$1,839,209	5,381,300
Oklahoma	$404,155	$615,135	$781,673	NA	$1,800,963	1,652,100
Oregon	NA	NA	NA	NA	—	1,886,200
Pennsylvania	$2,530,600	$3,249,464	$4,045,227	$2,448,455	$12,273,746	5,760,800
Rhode Island	NA	$189,391	$1,322,300	$700,094	$2,211,785	479,200
South Carolina	NW	NW	NW	NW	—	2,157,500
South Dakota	NW	NW	NW	NW	—	439,500
Tennessee	$26,965	$30,915	$25,277	$18,740	$101,896	3,099,200

Appendix Table A1 (cont.)

State	2017	2018	2019	2020	Total	2021 employment level
Texas	$6,491,997	$5,978,792	$6,492,690	$6,734,722	$25,698,200	12,909,900
Utah	$813,754	$830,953	$732,627	$825,423	$3,202,757	1,627,800
Vermont	$87,810	$211,141	$157,972	$13,198	$456,924	295,400
Virginia	$263,557	$270,485	$303,181	$235,363	$1,072,587	3,957,700
Washington	$3,948,713	$3,481,705	$3,204,476	NA	$10,634,894	3,442,200
West Virginia	$421,532	$209,012	$299,843	$434,877	$1,365,264	691,300
Wisconsin	$2,027,973	$1,465,787	$942,622	$1,730,822	$6,167,204	2,876,800
Wyoming	$346,554	$272,009	$224,049	$217,234	$1,059,847	275,100
TOTAL	$138,324,073	$138,271,629	$155,548,850	$126,074,196	$558,205,551	146,720,500

Notes: The eight states that do not recover wages for employees are marked as NW in the corresponding table. In addition, NA signifies that data was either unavailable or not recorded.

Sources: EPI survey of state labor departments and attorneys general; employment data are from the Bureau of Labor Statistics, Local Area Unemployment Statistics, December 2, 2021.

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Notes

1. A.B. 5, 2019–20 Assemb., Reg. Sess. (Cal. 2019).

2. For this calculation, we include only those states that reported wage recovery data for both 2019 and 2020.

3. The federal government's fiscal year runs from October 1 to September 30.

4. Totals are computed using unrounded numbers. Data may not sum to totals due to rounding.

5. As noted above, not all of the 41 states had 2020 data available. Also note that 2020 totals include some data from 2021, as some states tracked wage recovery efforts by fiscal year instead of calendar year.

6. Protecting the Right to Organize Act of 2021, H.R.842, 117th Cong. (2021).

7. Per the National Employment Law Project, "Five states impose treble damages in minimum wage claims: Arizona, Idaho, Massachusetts, New Mexico and Ohio. Ten states allow for treble damages in other wage claims: Arizona, Idaho, Maine, Maryland, Massachusetts, Michigan, Nebraska, North Dakota, Vermont and West Virginia (with some limitations)" (NELP 2011).

8. Minnesota Wage Theft Prevention Act, 91st Legislature, 2019 1st Special Session. (Minn. 2019).

9. Washington, D.C., Code §32–1307.

10. California Wage Theft Prevention Act of 2011, AB-469, 2011–2012 Assemb., Reg. Sess. (Cal. 2011).

11. Iowa Wage Payment Collection Law, Iowa Code §91A.

12. South Carolina Code of Laws Title 31, Chapter 10, Section 41-10-10.

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