

OFFICE OF THE NASSAU COUNTY COMPTROLLER



Nassau County Living Wage Law 2020 Annual Report

September 8, 2021

**JACK SCHNIRMAN
COMPTROLLER**

OFFICE OF THE NASSAU COUNTY COMPTROLLER

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Message from the Comptroller



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Hon. Jack Schnirman

Nassau County Comptroller

September 8, 2021

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 2020. 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. The living wage and health benefit supplement are adjusted annually based on the Consumer Price Index, as indicated in the Law.

Since the beginning of 2018, the Office of the Nassau County Comptroller (Office) has worked closely with the Living Wage Advisory Board and the County Executive to enhance the enforcement of the Living Wage Law. Before we review the accomplishments of 2020, it’s important to take a moment to reflect on the circumstances we have encountered in 2020.

- The last two years have been extraordinarily difficult for so many, battling through the unprecedented COVID-19 pandemic that impacted almost every facet of our everyday lives. The Living Wage Advisory Board has continued to meet regularly, understanding that now more than ever, people need a living wage to make ends meet here on Long Island.
- The Living Wage Advisory Board represents a cross section of the people getting it done across our region, ranging from EMTs and healthcare workers to grocery store workers, to postal workers, to those keeping public transportation running, to civil servants, and so much more. These essential workers kept our region operating day after day when many of us were quarantined at home. We owe them a debt of gratitude for all they do, and it is even more critical now to look out for them and hold contractors accountable for paying the Living Wage.
- To broaden protections for workers entitled to the Living Wage, we are working with the County Executive and the Living Wage Advisory Board this year to formulate improved policies and procedure for enforcement of the Living Wage Law.

Message from the Comptroller

Major actions taken in the 2020 calendar year include the following:

- **Closing the “Living Wage Law Loophole”**
 - Working with the County Executive and Living Wage Advisory Board, our Office worked to ensure that the new rules issued in 2019, that closed loopholes which could allow businesses to obtain a waiver from the Living Wage Law, were enforced.
 - Under these new rules, the County’s Living Wage Review Officer can now evaluate the parent, subsidiaries and related companies of a vendor that has a contract with the County when determining waiver eligibility requirements. Previously, sub-entities of larger corporations could obtain waivers to avoid paying living wage rates because the overall business financials were not being reviewed. Contractors could make themselves appear smaller utilizing subsidiaries in order to bypass the wage gap comparison between the highest and lowest paid employee.
- **571-WAGE: Living Wage Hotline Provides Direct Access to the Comptroller’s Office for Employees of Vendors Required to Pay Living Wage, to Report Violations and Provide Information**
 - The multi-lingual Living Wage Hotline launched in 2018 provides employees a place to confidentially report violators of the Living Wage Law, and to receive information about the Law.
 - This easy-to-remember hotline, 516-571-WAGE, connects callers directly with staff in the Comptroller’s Office, so complaints may be heard.
 - In 2020, we received and investigated 19 complaints through the Living Wage Hotline.
- **Updated Living Wage Rates**
 - On August first of each year, the Comptroller’s Office issues updated Living Wage rates as required by the Law. The Comptroller updates the County’s Living Wage Website with the new rates and distributes posters stating the new rates in both English and Spanish.
 - Living Wage Rate posters are distributed to County vendors, the Living Wage Advisory Committee and provided multiple times during the year, to various press outlets.
 - The Comptroller’s Office has launched an ongoing social media campaign on multiple platforms to inform of the Living Wage rate and the Living Wage Hotline, in an effort to reach as many employees as possible.
 - As of August 1, 2021, the Living Wage is \$17.57 per hour without health benefits, an increase from the previous rate of \$17.06 an hour, or \$15.20 per hour with health benefits, an increase from \$14.69 per hour. This rate will stay in effect until July 31, 2022.

Message from the Comptroller

- **Performing Living Wage Audits that Get Results**

- As a result of Living Wage audits conducted by the Comptroller's Office since the implementation of the law (2008-2020), more than \$1.48 million has been recovered/identified for 2,092 instances of underpayments of the Living Wage and uncompensated time.
- Every audit that involves outside contracts includes a check on compliance with the Living Wage Law requirements.
- Two Living Wage Audits were released in 2020, which identified underpaid wages and uncompensated time off worth more than \$62,000 affecting 96 employees.
- In addition to review of the Living Wage, these Audits also performed a limited review of two emergency shelters' agreements with Nassau County, and uncovered a number of issues, including:
 - An emergency shelter failed to maintain adequate supporting documentation for over \$160,000 in stipend payments;
 - Questionable payments exceeding \$35,000 were made to Board members and employees with no apparent reason for these payments;
 - An emergency shelter did not have a formalized petty cash policy and petty cash was used for over \$6,000 of unallowed expenses;
 - Related party transactions and nepotism were identified at an emergency shelter including the Executive Director hiring a relative in a key position which the Executive Director also supervised;
 - Another emergency shelter was not in compliance with their MOU with Nassau County. Auditors found inadequate Board oversight, insufficient accounting records and financial statements were not provided;
 - Auditors found unexplainable differences in gross wages for six employees between the emergency shelter's payroll register and the employee wage and tax statements.

The work done by the Comptroller's Office and the Living Wage Advisory Committee makes a difference in people's lives and we will continue to press forward, increasing oversight, putting stronger rules in place, and sending the message that if you want to do business with Nassau County, you have to play by the rules. Our office will continue to protect workers who deliver critical services to Nassau County residents.

This is demonstrated by our continued work performed in 2021 on the 2020 work reported here. In 2021, the Comptroller's follow-up of an emergency shelter audited in 2020 reported that the emergency shelter implemented 100% of 9 audit findings and the 26 corrective action recommendations. In addition, as a result of a review our Office conducted, the County is correcting an error of the past and will be in Compliance with the Living Wage Law.

Respectfully Submitted,



Jack Schnirman, Nassau County Comptroller

Executive Summary

Purpose:

The Nassau County 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. This report covers calendar year 2020.

Introduction:

The Nassau County Living Wage Law ("Law") was enacted by the Nassau County Legislature in 2006¹, 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 48 Living Wage audit reports encompassing 38 different contractors. Overall, a total of 2,092 instances of underpayments consisting of \$1,074,563 in underpaid wages and an additional \$406,264 in under-accrued compensated time off was identified, for a total of \$1,480,827. 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.

2020 Calendar Year Summary:

- On August 1, 2020, the hourly Living Wage rate in Nassau County was increased to \$17.06 for employees without health benefits and \$14.69 for employees who receive health benefits.
- The Comptroller's Office released two Living Wage audits in 2020. Significant findings of these audits include:

¹ Nassau County Living Wage Law, Title 57 of the Miscellaneous Laws of Nassau County.

Executive Summary

- Questionable payments totaling \$35,000 were made to Board members, employees and relatives of the Founder of the Non- Profit Agency.
 - Stipend payments made to the Executive Director were improperly invoiced, authorized and paid.
 - Proper stewardship of funds was not exercised as certain costs were not allowed under Federal guidelines.
 - An emergency shelter had underpaid wages of \$8,220 to 59 employees. This emergency shelter also failed to provide 69 employees 3,253 hours of earned compensated time off amounting to \$52,556.
 - This emergency shelter also was not in compliance with their MOU with Nassau County. Auditors found they had inadequate board oversight, insufficient accounting records and financial statements were not provided.
- CSEA employees of Nassau County submitted complaint forms to the Nassau County Comptroller's Office indicating they were not receiving the Living Wage rate of pay. The Comptroller's Office performed an analysis of 168 complaint forms submitted and found 16 of 168 employees that filed complaints may be owed money. After reviewing these complaints, the analysis was expanded to review all Nassau County employees, both full-time and part-time. This analysis also revealed that additional money may be due to some County employees. The Comptroller's Office analysis and calculations have been provided to Nassau County Human Resources for their review and corrective action.
 - The Comptroller's Office also launched its first ever follow-up review of a previously released living wage audit. The purpose of a follow-up review is to determine if the Personal Care Agency implemented the recommended changes made in the audit report. Follow-up audits have proved to be a successful process.

During 2020, an additional Living Wage audit was initiated, the results of which should be available in 2021.

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Background

The Living Wage Law

All discussions of the Law in this report refer to the Law in existence in 2020, 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 1st of each year. On August 1, 2020, the Living Wage rate increased to \$17.06 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 is \$14.69. This rate will stay in effect through July 31, 2021.

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 and health benefit supplement since the Law was implemented:

Exhibit I

LIVING WAGE LAW RATES				
EFFECTIVE DATES		HOURLY RATES		
FROM	TO	WITH HEALTH BENEFITS	HEALTH BENEFIT SUPPLEMENT	WITHOUT HEALTH BENEFITS
January 1, 2007	July 31, 2008	\$9.50	\$1.50	\$11.00
August 1, 2008	July 31, 2009	\$10.50	\$1.55	\$12.05
August 1, 2009	July 31, 2010	\$11.50	\$1.60	\$13.10
August 1, 2010	July 31, 2011	\$12.50	\$1.66	\$14.16
August 1, 2011	July 31, 2012	\$12.90	\$1.71	\$14.61
August 1, 2012	July 31, 2013	\$13.11	\$1.80	\$14.91
August 1, 2013	July 31, 2014	\$13.35	\$1.86	\$15.21
August 1, 2014	July 31, 2015	\$13.58	\$1.92	\$15.50
August 1, 2015	July 31, 2016	\$13.59	\$1.95	\$15.54
August 1, 2016	July 31, 2017	\$13.73	\$2.05	\$15.78
August 1, 2017	July 31, 2018	\$13.98	\$2.09	\$16.07
August 1, 2018	July 31, 2019	\$14.27	\$2.14	\$16.41
August 1, 2019	July 31, 2020	\$14.51	\$2.25	\$16.76
August 1, 2020	July 31, 2021	\$14.69	\$2.37	\$17.06

Application of the Law

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

- Service contracts of \$25,000 or more; financial assistance contracts² for more than \$50,000 and where the employer has at least 10 employees; and
- Leases of property³ 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.⁴

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 childcare services, pre-school services and early intervention services⁵;
- contracts where services are incidental to the delivery of products, equipment or commodities⁶; or
- inter-governmental contracts and financial assistance contracts for industrial development bonds, community development block grants and enterprise-zone investments⁷.

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 employee⁸;
- 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 position⁹;
- 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

² Nassau County Living Wage Law §2 (2010).

³ Ibid.

⁴ Ibid.

⁵ Nassau County Living Wage Law §3 (c) (3) (2010).

⁶ Nassau County Living Wage Law §2 (2010).

⁷ Ibid.

⁸ Nassau County Living Wage Law §3.

⁹ Nassau County Living Wage Law §3 (c) (1) (B) (2010).

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a certificate but for the fact that the employer is paying a wage equal to or higher than the federal minimum wage¹⁰; or

- covered by a bona fide collective bargaining agreement provided that the Law is expressly referenced in the agreement.¹¹

Rules

The Law provides for rulemaking:

The Nassau County Living Wage rules of the Comptroller and County Executive were amended on July 24, 2019.

- **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, at <https://www.nassaucountyny.gov/1597/Living-Wage>.

The Nassau County Living Wage rules of the County Executive were amended on July 24, 2019. The amendment to the County Executive's Rules closes the loopholes when determining whether a contractor may be granted a waiver by reason of the highest paid officer not receiving more than six times as much as the lowest paid employee or because of the impact to the contractor's budget. With these changes, the County Executive's Living Wage Waiver Review Officer will consider compensation received not only from the firm named in the waiver application, but that received from "related entities" (i.e., parent and subsidiary corporations or affiliates). Similarly, when considering whether a firm should be granted a waiver because complying with the Living Wage Law requirements would increase the contractor's budget, the change requires the Living Wage Review Officer to look at the combined budget of all related entities of the contractor.

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.¹² 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 audit has been

¹⁰ Nassau County Living Wage Law §3 (2010).

¹¹ Nassau County Living Wage Law §10 (c) (2010).

¹² Nassau County Living Wage Law §7 (a) (2010).

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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 healthcare agencies, and homeless shelters.

The Comptroller’s Office also obtains from the Office of Real Estate Services any significant new 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.”

- In 2020, the County entered into one significant new lease agreement for 801 Axinn Avenue, Garden City. This space includes office space and a parking lot to be used by the Nassau County Traffic and Parking Violations Agency (“TPVA”).
- There was also a lease renewal for the Office of Emergency Management (OEM) warehouse at 700 Hicksville Road in Bethpage. This agreement also adds an additional 9,980 square feet of space for use by the OEM.
- Additionally, the County renewed the lease agreement for 160 North Franklin Street, Hempstead for use by Nassau County as general administrative office space.

Utilizing both field 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 2008-2020.

Exhibit II

SUMMARY IMPACT OF LIVING WAGE AUDITS ISSUED FOR THE YEARS 2008 - 2020						
Year Issued	Wages		Compensated Time Off		Totals	
	Amount Recovered (\$)	# of Underpayment Instances	Amount Recovered (\$)	# of Underpayment Instances	Total Amt. Recovered (\$)	# of Underpayment Instances
2008-2020	\$1,074,563	976	\$ 406,264	1,116	\$1,480,827	2,092

Since the Law’s inception, Auditors have noted almost 2,100 instances of contractor non-compliance with the Living Wage Law, amounting to \$1,480,827 in recovered payments to employees.

The data for individual audits between 2008 and 2020 is included as Appendix A.

2020 Living Wage Audits

Two Living Wage audit reports and one Living Wage audit follow-up report were issued in 2020, two audit reports covering Emergency Shelter Providers and one audit follow-up report covering a Personal Care Agency. Additionally, The Comptroller’s Office performed an analysis to determine if Nassau County employees were being paid the appropriate Living Wage rates. One other Living Wage audit was started in 2020 and the result of this audit will be released in 2021.

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Living Wage audits are a component of most contract compliance audits conducted by the Comptroller's Field Audit Division.

The summary impact of the two audits issued in 2020 totaled \$62,095 of underpayments affecting 96 employees, is shown in Exhibit III below:

Exhibit III

2020 Summary of Employee Underpayments Identified							
	<i>Wages</i>		<i>Compensated Time Off</i>		<i>Totals</i>		
	Dollars Identified	# of Instances of Non-Compliance	Dollars Identified	# of Instances of Non-Compliance	Dollars Identified	Non-Compliance*	Employees Assisted
Bethany House	\$ 76	3	\$ 1,243	24	\$ 1,319	27	21
HDDIC, Inc.	8,220	96	52,556	106	60,776	202	75
Totals	\$ 8,296	99	\$ 53,799	130	\$ 62,095	229	96

* 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.

The Comptroller's Office performed two Living Wage audits; both of Emergency Shelter Providers. According to data provided by Nassau County's Department of Social Services, the County paid a total of \$16,228,411 for Emergency housing in 2020.

Below is a summary of the 2020 audit findings:

Bethany House

Bethany House has a contract with Nassau County to provide emergency shelter services to single adult women and women with children.

- Bethany House failed to maintain adequate documentation to support over \$160,000 in stipend payments.
- Questionable payments exceeding \$35,000 were made to Board members and employees, with no apparent reason for these payments.
- Bethany House's Board of Directors was not in compliance with NYS Not-For-Profit Law. The Founder/Former Executive Director had too much influence over the Board.
- Bethany House did not exercise proper stewardship of funds by not following Federal guidelines. There were several expenditures that are unallowable with not-for-profit funds.
- Bethany House did not have a formalized petty cash policy and petty cash was used for over \$6,000 of unallowed expenses, such as, public relations expenses, holiday gifts of

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\$1,100, reimbursement for groceries purchased with an EBT card (SNAP benefits), and holiday tips of over \$750.

- Bethany House had internal control weaknesses regarding the non-profit's cash disbursements resulting in increased risk for fraud.
- Related party transactions and nepotism at Bethany House, including hiring a relative in a key position, and supervising that individual, violating the NYS Non-Profit Revitalization Act, and initiating a fundraising contract with a Board Members relative.
- Bethany House had some small underpayments of the living wage and required compensated time off totaling approximately \$1,300 over the audit period.

HDDIC, Inc.

HDDIC, Inc. contracted with the County to provide emergency shelter services to adults.

- Auditors identified fifty-nine employees who were paid below the applicable Living Wage rates amounting to \$8,220.
- HDDIC failed to provide the auditors with proper compensated time off records. The Auditors determined that sixty-nine employees were not provided with or paid for approximately 3,253 hours of accrued compensated time off, amounting to \$52,556.
- HDDIC was not in compliance with their MOU with Nassau County. Auditors found inadequate Board oversight, insufficient accounting records and financial statements were not provided.
- Auditors identified differences in wages reported on payroll records and the IRS W-2 Forms for six employees that could not be explained.

Audit Follow-Up – Personal Touch Home Care of Long Island

Personal Touch Home Care of Long Island is a personal care agency providing services to recipients of Medicaid. A Living Wage Audit of this agency was completed on 11/26/19 and a follow-up audit was performed in 2020.

- The original Audit of this agency contained three audit findings and a total of seven recommendations. The follow-up audit confirmed that Personal Touch Home Care of Long Island implemented all our recommendations.
 - Personal Touch Home Care paid \$1,390 to nine employees that were identified as being underpaid.
 - The agency paid the forty-six employees a total of \$7,509 that was owed to them for earned compensated time off.

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- Auditors reviewed Personal Touch of Long Island’s payroll records and determined that no employees worked more than 60 hours in a week, which is a stipulation in their MOU with the County.

Nassau County Payroll Compliance with the Living Wage Law

The Comptroller’s Office received several Living Wage complaint forms and calls to the Living Wage hotline from County employees that claimed they were not receiving the Living Wage rates. In 2020, the Auditors began an analysis of Nassau County employees to determine if all employees were receiving the applicable Living Wage rates. Preliminary analysis revealed that certain employees were not receiving the Living Wage while they were at Step OA and Step OB of the CSEA salary plan. Once they are moved to Step 1 on the salary chart, they are receiving the Living Wage.

After reviewing the complaints, testing was expanded to review all employees, both full-time and part-time. For the employees identified as being underpaid, we calculated the amounts owed to each employee for the period 2018-September 24, 2020.

Other Activity

During 2019, a follow up review of All Metro Home Care Services of New York Inc. was initiated, which is still in process. The Auditors have requested supporting documentation to assess if all underpaid wages and compensated time identified in the audit have been paid to employees and will issue a follow-up report in 2021. Additionally, a follow-up review of Bethany House was performed in 2021; <https://www.nassaucountyny.gov/DocumentCenter/View/33808/Follow-Up--Bethany-House>.

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.”

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, as follows:

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 reach a second notice of such violation and shall be fined in the amount of \$1,500 each week thereafter for each employee found not to have been paid in accordance with this title;

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3. If, within thirty days after such employer receives a second 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 \$2,500 each week thereafter for each employee found not to have been paid in accordance with this title.

No fines for non-compliance with the Living Wage Law have been issued in the past, however, the Living Wage Advisory Board and the Comptroller's Office is focusing this year on enforcement of the Living Wage Law. The Living Wage Advisory Board is working with the County Executive's Office and the County Attorney's Office to strengthen enforcement through Rule changes (see section below; *The Living Wage Advisory Board*).

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 a waiver. A contractor granted a full waiver 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 waiver requests are reviewed by the County Executive's Office for completeness and compliance with the required criteria. Not all requests for waivers are granted.

In 2020, six agencies submitted applications for waivers. The County Executive's Office granted a total of 5 waivers and one waiver request pending as of end of year 2020.

The request that is pending would qualify for the waiver, however, a signed contract is not in place for this vendor. Once the contract is in place, the waiver will be granted.

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 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 for the Comptroller to determine the method of 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.

Exhibit IV below provides summary information about Living Wage waiver activity from 2016-2020.

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Exhibit IV

Summary of Living Wage Waiver Activity 2016 - 2020						
Year	# Waivers Requested	Granted Full	Granted Partial	Request Withdrawn	Request Pending	Request Denied
2016	10	8	2	0	0	0
2017	12	8	2	0	0	2
2018	9	6	2	0	0	1
2019	12	8	2	0	1	1
2020	6	5	0	0	1	0

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 2020, the Comptroller's Office received 19 Living Wage complaint calls through the multilingual Living Wage hotline. The hotline, 516 571-WAGE, connects callers directly with staff in the Comptroller's Office during business hours so complaints can be submitted over the phone. In addition, complaints may be submitted through the Comptroller's email tip line, ReportItReformIt@nassaucountyny.gov. The hotline number is clearly noted on Living Wage posters which are in English and Spanish, and available on the Comptroller's website. Complaints may also be submitted online or via regular email, and the forms to file the complaints are on the Comptroller's website.
- In addition to information 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.
- Living Wage posters are distributed to County vendors, the Living Wage Advisory Board and provided multiple times during the year to various press outlets in an effort to reach as many employees as possible.

Website

The Comptroller's Office Living Wage website (www.nassaucountyny.gov/livingwage) contains information about the Law, including:

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

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- the Living Wage Rules of the Comptroller and the County Executive;
- Living Wage posters both in English and Spanish which include the current rates and the Living Wage Compliance Hotline number;
- Complaint Forms to report instances of non-compliance;
- annual Living Wage Law reports for the years 2007-2019;
- all Living Wage audit reports issued by the Comptroller's Office;
- definitions of a covered employee;
- listing of the Living Wage Advisory Board members;
- links to Living Wage Compensation Ratio Forms; and
- pending Living Wage waiver requests.

Living Wage Poster

- The Comptroller's Office created a living wage poster to explain the Law in simple format. Posters are available in English and Spanish and may be downloaded from the website. 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 Hotline and email address to allow individuals to contact the Comptroller's Office with questions and employee complaints. (See Appendix B for 2020 Living Wage posters in English and Spanish).
- The Comptroller's Rules require that Living Wage notices be posted in a conspicuous manner at all relative work sites. The posters are updated annually to reflect the increased living wage rates which become effective on August 1st 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. The Living Wage Advisory Board held its first meeting November 2007. This is the 13th year that the Committee has been meeting.

Exhibit V lists the Board members as of December 31, 2020.

Living Wage Law 2020 Annual Report

Exhibit V

Living Wage Advisory Board Members as of December 31, 2020	
John Durso	Long Island Federation of Labor, Chairman
Matty Aracich	Building and Construction Council of Nassau and Suffolk
Walter Barton	National Association of Letter Carriers Branch 6000
Roger Clayman	Long Island Federation of Labor
Debra Hagan	Transit Workers Union Local 252
Nikki Kateman	Political and Communications RWDSU Local 338
Nick LaMorte	CSEA Retired/AFSCME Delegate
Onika Shepard	Service Employees International Union Local 1199
Lisa Tyson	Long Island Progressive Coalition
Jerry Laricchiuta	Long Island CSEA Region President

Along with the Comptroller's Office team (Deputy Comptrollers, Counsel, Field Audit and other Comptroller Staff), representatives from the County Executive's Office and the County Attorney's Office are also present at the Advisory Board's meetings.

Four Living Wage Advisory Board meetings were held during 2020, with three of the four meetings conducted via Zoom. The following key topics were discussed:

- The focus of the Living Wage Advisory Board for 2020 is on enforcement of the Living Wage Law through the use of rule-making authority. These rule changes may include initiatives such as: (1) the development of a process whereby fines can be assessed and adjudicated and (2) development of a procedure to notify vendors when there is a complaint, which would allow vendors to respond to the complaint.
- The development of methods by which individuals can be informed of and utilize their private right of action under the Living Wage Law to enforce compliance and recover damages.
- The Comptroller's Office follow-up review process is used to ensure agencies are taking the corrective action that was recommended during the Comptroller's review. The first follow-up performed resulted in the emergency shelter implementing 100% of the recommendations.
- The Comptroller's Officer Living Wage reviews now including a review of compliance with the Agency's contract or Memorandum of Understanding with the County.

Appendix A - Summary of Employee Underpayments Recovered 2008-2020

SUMMARY OF EMPLOYEE UNDERPAYMENTS IDENTIFIED LIVING WAGE AUDIT REPORTS ISSUED 2008 - 2020							
Year Audit Issued	Name of Auditee	Wages		Compensated Time Off		Totals	
		Dollars Recovered	# of Instances of Non- Compliance	Dollars Recovered	# of Instances of Non- Compliance	Total Dollars Recovered	Total # of Instances of Non- Compliance
2008	Aides At Home *	\$ -	-	\$ -	-	\$ -	-
	Allen Health Care Services	\$ -	-	\$ 45,119	103	\$ 45,119	103
	First Choice Home Care, Inc.	\$ -	-	\$ 6,290	45	\$ 6,290	45
	LI Care At Home *	\$ -	-	\$ -	-	\$ -	-
	New York Health Care Inc.	\$ 6,350	26	\$ -	-	\$ 6,350	26
	Premier Home Health Care Services, Inc.	\$ 15,683	70	\$ -	-	\$ 15,683	70
	Tender Loving Care Health Care Services, Inc.	\$ 54,140	39	\$ 10,015	27	\$ 64,155	66
2009	A&B Healthcare Services, Inc.	\$ 572	30	\$ 26,067	45	\$ 26,639	75
	ABLE Health Care Service, Inc.	\$ 168	2	\$ 12,126	79	\$ 12,294	81
	Island Search	\$ 107,563	116	\$ 84	2	\$ 107,647	118
	Jzanus Home Care, Inc.	\$ -	-	\$ 35,925	132	\$ 35,925	132
	PHC Services, Ltd.	\$ 58,042	75	\$ 9,569	36	\$ 67,611	111
	Randstad US	\$ 294	2	\$ 31,952	41	\$ 32,246	43
	VIP *	\$ -	-	\$ -	-	\$ -	-
2010	Allen Health Care Services	\$ -	-	\$ 33	3	\$ 33	3
	First Choice Home Care, Inc. *	\$ -	-	\$ -	-	\$ -	-
	Pathways to Independent Living *	\$ -	-	\$ -	-	\$ -	-
	PHC Services, Ltd.	\$ 3,489	17	\$ -	-	\$ 3,489	17
	Premier Home Health Care Services, Inc.	\$ 156	3	\$ 5,056	51	\$ 5,212	54
	South Shore Home Health Services	\$ -	-	\$ 5,424	67	\$ 5,424	67
2011	Family Aides	\$ 1,159	15	\$ 1,612	24	\$ 2,771	39
	G.E.M. Health Care Agency	\$ -	-	\$ 3,507	59	\$ 3,507	59
	LI Center for Independent Living *	\$ -	-	\$ -	-	\$ -	-
	Long Beach Reach	\$ 989	1	\$ -	-	\$ 989	1
	Uniondale Community Center	\$ 1,468	2	\$ -	-	\$ 1,468	2
2012	A&B Healthcare Services, Inc. *	\$ -	-	\$ -	-	\$ -	-
	Cottage Home Care, Inc. *	\$ -	-	\$ -	-	\$ -	-
	Jzanus Home Care, Inc	\$ 8,039	100	\$ -	-	\$ 8,039	100
2013	Bethany House	\$ 10,055	14	\$ -	-	\$ 10,055	14
	Community Housing Innovations, Inc.	\$ 1,810	15	\$ -	-	\$ 1,810	15
	Glory House Recovery	\$ 1,523	1	\$ -	-	\$ 1,523	1
	Peace Valley Haven, Inc.	\$ 122,264	38	\$ -	-	\$ 122,264	38

Notes:

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

** A list of employees covered under the living wage law, along with the necessary payroll and time and leave records, were not provided. Therefore, due to this scope limitation, we could not determine amounts owed or number of instances of non-compliance.

*** No records were provided, therefore we could not determine amounts owed or number of instances for this emergency shelter.

Continued on Next Page

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Appendix A - Summary of Employee Underpayments Recovered 2008-2020

SUMMARY OF EMPLOYEE UNDERPAYMENTS IDENTIFIED LIVING WAGE AUDIT REPORTS ISSUED 2008 - 2020 (Continued)							
Year Audit	Name of Auditee	Wages		Compensated Time Off		Totals	
		Dollars	# of	Dollars	# of	Total	Total # of
2014	Peace Valley Haven, Inc.	\$ 16,735	15	\$ -	-	\$ 16,735	15
	Utopia Home Care Inc. *	\$ -	-	\$ -	-	\$ -	-
2015	Eager to Serve, Inc.	\$ 5,116	13	\$ 4,266	8	\$ 9,382	21
	microMEDIA®	\$ 461,466	38	\$ 3,846	14	\$ 465,312	52
2016	Armor Correctional Health Services, Inc.	\$ 10,398	30	\$ 889	7	\$ 11,287	37
2017	CH2M Hill Engineering, PA	\$ 292	2	\$ -	-	\$ 292	2
	Able Health Care Services, Inc	\$ 31,604	4	\$ 435	8	\$ 32,039	12
	Allen Health Care Services, Inc	\$ 74	1	\$ 256	7	\$ 330	8
	Gibbons, Esposito & Boyce Engineers, PC	\$ 14,661	8	\$ 2,424	8	\$ 17,085	16
	Dover Gourmet **	\$ -	-	\$ -	-	\$ -	-
2018	All Metro Health Care	\$ 100,167	165	\$ 123,073	152	\$ 223,240	317
2019	ADD/ADHD Housing Group Inc.	\$ 30,600	26	\$ 16,988	21	\$ 47,588	47
	Personal Touch Home Care of Long Island	\$ 1,390	9	\$ 7,509	47	\$ 8,899	56
	An Emergency Shelter Provider***	\$ -	-	\$ -	-	\$ -	-
2020	Bethany House	\$ 76	3	\$ 1,243	24	\$ 1,319	27
	HDDIC, Inc.	\$ 8,220	96	\$ 52,556	106	\$ 60,776	202
Totals		\$ 1,074,563	976	\$ 406,264	1,116	\$ 1,480,827	2,092

Notes:

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

** A list of employees covered under the living wage law, along with the necessary payroll and time and leave records, were not provided. Therefore, due to this scope limitation, we could not determine amounts owed or number of instances of non-compliance.

*** No records were provided, therefore we could not determine amounts owed or number of instances for this emergency shelter.

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Office of the Nassau County Comptroller
Living Wage

IMPORTANT NOTICE FOR WORKERS

The Nassau County Living Wage
is
\$17.06 per hour
or
\$14.69 with health benefits

(Rate Effective August 1, 2020 through July 31, 2021)

Employees who work 20 hours or more per week are entitled to receive paid days off including paid holidays. (Days off are earned based on hours worked.)

If you work for a County contractor or lessee, the Living Wage Law may apply to you. If you have any questions about your eligibility, or if you believe your employer is not complying with the Law, please contact:

Office of the Nassau County Comptroller
LIVING WAGE HOTLINE at (516) 571-WAGE
(516-571-9243)

You may also visit our website at www.nassaucountyny.gov/LivingWage and click on Living Wage for more information, or to obtain a complaint form

Complaints will remain confidential

You may also contact us by e-mail at ReportItReformIt@nassaucountyny.gov

Please Note that the Living Wage Law **DOES NOT** apply to the following:

- Contracts for child-care services, sleep away camp services for the disabled, pre-school services and early intervention services.
- Contracts in which services are incidental to the delivery of products, equipment or commodities.
- Inter-governmental contracts and financial assistance contracts for industrial development bonds, community development block grant loans and enterprise-zone incentives.
- Contracts for less than \$25,000.
- Employees under 18 years of age who are claimed as dependents for federal tax purposes and who are working as an after-school or summer employee.
- Trainees in a bona fide training program.
- Disabled employees covered by a current sub-minimum wage certificate issued to the employer by the United States Department of Labor or if he/she would be covered by such a certificate but for the fact that the employer is paying a wage equal to or higher than the minimum wage.
- Student interns working for Nassau County and student workers working for Nassau Community College.
- Medicaid funded assisted living program facilities that were providing services within Nassau County prior to 2006 and that continue to provide such services.

Oficina del Contralor del Condado de Nassau

AVISO IMPORTANTE PARA LOS TRABAJADORES

El Living Wage del Condado de Nassau
es
\$17.06 por hora or
\$14.69 con beneficios de salud

(Válido desde el 1 de Agosto de 2020 hasta el 31 de Julio de 2021)

Los empleados que trabajan 20 horas o más por semana tienen derecho a recibir días libres pagados incluyendo días festivos. (Los días libres se obtienen en función de las horas trabajadas.)

El Living Wage es un salario mínimo que se aplica a los empleados que trabajan para un contratista o arrendatario del Condado. Si tiene alguna pregunta sobre su elegibilidad o si cree que su empleador no está cumpliendo con esta Ley, por favor contactar:

Office of the Nassau County Comptroller
LIVING WAGE HOTLINE: (516) 571-WAGE
(516-571-9243)

También puede visitar nuestro sitio web en www.nassaucountyny.gov/LivingWage para más información o para obtener un formulario de queja.

*** Las quejas se mantendrán confidencialmente ***

Puede también contactarnos via e-mail:

ReportItReformIt@nassaucountyny.gov

Por favor tenga en cuenta que la Ley de Living Wage NO aplica a los siguientes:

- Contratos para servicios de cuidado de niños, servicios de campamento para discapacitados, servicios preescolares y servicios de intervención temprana.
- Contratos en los cuales los servicios son incidentales a la entrega de productos, equipos, o mercancías.
- Contratos intergubernamentales y contratos de asistencia financiera para bonos de desarrollo industrial, préstamos de subvenciones en bloque para el desarrollo comunitario e incentivos para zonas empresariales.
- Contratos por menos de \$25,000.
- Empleados menores de 18 años que son reclamados como dependientes para propósitos de impuestos federales y que trabajan como empleados después de la escuela o en el verano.
- Aprendices en programas de entrenamiento de buena fe.
- Empleados discapacitados cubiertos por una certificación del salario sub-mínimo actual emitido al empleador por el Departamento del Trabajo de los Estados Unidos o si ellos pudieran estar cubierto por tal certificación, pero de hecho el empleador esta pagando un salario igual o mayor al salario mínimo actual.
- Estudiantes de pasantía que trabajan para el condado de Nassau y estudiantes trabajando para el Nassau Community College.
- Localidades para los programas de vivienda asistida financiadas por Medicaid que brindaban servicios dentro del condado de Nassau antes del 2006 y que continúan brindando dichos servicios.

