

NY Wage Theft Victims Win Justice, But Money Remains Elusive



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Incidents of [wage theft](#) are startlingly commonplace, from [shady fast food practices](#) all the way up to [fine dining](#). Sadly, receiving justice and restitution from these incidents isn't nearly so frequent, as updated legislation coming out next week seeks to highlight.

The [SWEAT bill](#) (Securing Wages Earned Against Theft), first introduced in summer 2013, was meant to prevent employers from concealing assets to avoid repaying employees who were awarded restitution for wage theft. The bill never left committee, but the new version will hopefully prevent sneaky employers from gaming the system.

The [Times took a look](#) at how employers were able to avoid payouts, even after a judge found them guilty of wage theft. Examples include nail salon workers awarded \$474,000 but who've only collected \$110,000 even though the salon's owners had recently sold two properties for upwards of \$3 million. "[The workers] were not able to win a motion ahead of the trial to 'attach' properties or assets that might be needed to pay a judgment," thereby the properties were essentially hidden when it came to delivering the payout.

The improved legislation comes in [three parts](#), starting with establishing a "wage lien" such that "workers can put a hold on employers' property until their owed wages are paid." It would also make the above example impossible by allowing workers to "'attach' or hold an employer's property prior to the resolution of a case that claims unpaid wages." And finally, letting workers hold the employers with the largest share of ownership personally liable for wage theft.

There have been movements forward in the wage theft battle, including a [\\$30 million victory](#) by the State and the 27,000 who were beneficiaries. Representatives for SWEAT did not immediately return requests for comment on how that figure fits into the larger issue of wage restitution; we'll update when we hear back.

Update: We spoke with Sarah Han, a representative for the [Coalition for a Real Minimum Wage Increase](#) this afternoon, who was encouraged by the DOL's recent wage theft victory but understands that to effect real change, there needs to be more done on all levels. "There's a huge problem of enforcement of labor laws in NY state recently. Despite the \$30 million collected and distributed to workers, it's really a drop in the bucket," she says. "If we want to actually solve this problem and address these issues, this is not sufficient. We need real policies to crack down on this issue of wage theft."

Contact the [author](#) of this article or email tips@gothamist.com with further questions, comments or tips.

[Nell Casey](#) in [Food](#) on Feb 20, 2015 2:00 pm

restitution | stolen wages | wage theft
