

## ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team

at [MileHighOrdinance@DenverGov.org](mailto:MileHighOrdinance@DenverGov.org) by **3:00pm on Monday**. Contact the Mayor's Legislative team with questions

Date of Request: June 14, 2021

Please mark one:  Bill Request or  Resolution Request

### 1. Type of Request:

- Contract/Grant Agreement  Intergovernmental Agreement (IGA)  Rezoning/Text Amendment  
 Dedication/Vacation  Appropriation/Supplemental  DRMC Change  
 Other: New municipal ordinance

2. **Title:** (Start with *approves, amends, dedicates*, etc., include name of company or contractor and indicate the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)

**Section 38-51.9 Wage theft:** Creates a new crime to knowingly refuse to pay a wage or compensation to a worker or falsely deny the amount of a wage owed, the validity thereof, or that the same is due.

3. **Requesting Agency:** City Attorney's Office

### 4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Anshul Bagga	Name: Anshul Bagga
Email: <a href="mailto:Anshul.bagga@denvergov.org">Anshul.bagga@denvergov.org</a>	Email: <a href="mailto:Anshul.bagga@denvergov.org">Anshul.bagga@denvergov.org</a>

### 5. General description or background of proposed request. Attach executive summary if more space needed:

In 2014, the Colorado Fiscal Institute estimated the annual rate of wage theft in Colorado to be \$750,000,000. A few examples of how employers commit wage theft include, but are not limited to, simply not paying a worker, denying overtime pay, withholding tips, and misclassifying a worker as an independent contractor. Currently, wage theft is primarily combated through administrative violations enforced by the Colorado Department of Labor & Employment. Similarly, the Auditor's office takes administrative action for violations of minimum wage, prevailing wage, and living wage. While the District Attorney's Office prosecutes felony cases over \$2,000, no criminal justice agency in Denver criminally prosecutes wage theft where the loss per violation is \$2,000 or less. Under the existing petty theft ordinance (DRMC 38-51.8) wage theft is a crime if there is an intent to permanently deprive the victim of compensation to which he or she is legally entitled. However, this would make proving wage theft cases extremely problematic since employers often promise wages are forthcoming after the next job. This ordinance seeks align the D.R.M.C. with state law and fill the gap by allowing the City to criminally prosecute wage theft where the value of the loss is \$2,000 or less per violation.

6. **City Attorney assigned to this request (if applicable):** Anshul Bagga

7. **City Council District:**

8. **\*\*For all contracts, fill out and submit accompanying Key Contract Terms worksheet\*\***

## Key Contract Terms

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: BR21 0703

Date Entered: \_\_\_\_\_

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):

Vendor/Contractor Name:

Contract control number:

Location:

Is this a new contract?  Yes  No Is this an Amendment?  Yes  No If yes, how many? \_\_\_\_\_

Contract Term/Duration (for amended contracts, include existing term dates and amended dates):

Contract Amount (indicate existing amount, amended amount and new contract total):

<i>Current Contract Amount</i> (A)	<i>Additional Funds</i> (B)	<i>Total Contract Amount</i> (A+B)
<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>

Scope of work:

Was this contractor selected by competitive process?

If not, why not?

Has this contractor provided these services to the City before?  Yes  No

Source of funds:

Is this contract subject to:  W/MBE  DBE  SBE  XO101  ACDBE  N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts):

Who are the subcontractors to this contract?

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Date Entered: \_\_\_\_\_