

PROPOSED UPDATES TO DENVER'S PREVAILING WAGE ORDINANCE

	Remove no longer applicable sections	Clarify Scope	Clarify Applicable Contract/ PW Dates	Remedy Debarment Process	Create Penalties for False and Failure to Report	Provide Employers Due Process	Create Meaningful Deterrents	Clarify Roles and Authority of Auditor and CSA
Issue being resolved through update	Ordinance referenced out dated practices and no longer existing City agencies	Vague and ambiguous terms made it difficult to identify applicable projects	PW enforcement based on the contract date rather than the bid date resulted in an inequitable bid process and PW disputes	An even number panel, member conflicts preventing participation, and need for a majority eliminated the use of debarment	False and failure to report are the most common PW violations, however the penalty system did not extend to these violations.	Ordinance provided no dispute resolution	Small fines and complicated penalty process resulted in employers risking a fine	The roles of the PW Division and CSA became unclear through past practices
Denver's Proposed Updated PW Ordinance	Outdated and inapplicable terms have been removed from Ordinance	Updated Ordinance extends to projects using City funds or performed on City land	The PW will be enforced from the bid date for the first year	An expansion to a five member debarment panel eliminates the issues created by an even number panel	Penalties and fines extended to the most common PW violations	Addition of the City's arbitration requirements grants contractors due process	An updated and clearer fine system will dissuade contractors from gambling with non-compliance and the risk of fine	CSA will have solely authority over setting the PW, while the Auditor's Office will have sole authority over enforcing the PW

HOW OTHER CITIES' PREVAILING WAGE ORDINANCES ADDRESS THESE ISSUES

Comparable Cities	Scope	PW Date	Debarment	False and Failure to Report	Due Process	Penalties and Fines	PW Setting and Enforcement
Federal Davis-Bacon Act	Any contract where federal government is party on a public building or a public work in a state or the Dist. of Columbia	Contract date used for PW enforcement	Comptroller General shall publish a list of PW violators, violators shall not contract with the federal government for 3 years	Failure to report or incorrect report processed as an underpayment	Appeal PW determinations and debarment to an ALJ, secondary appeal to Dept.'s Administrative Review Board.	\$10 a day until 8/1/16; \$25a day after 8/1/16 (under Contract Wage Hours and Safety Standards Act, not Davis- Bacon Act)	Secretary of Labor sets the PW; Dept of Labor enforces the PW

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Phoenix, AZ	Any public work	Invitation to bid date used for PW enforcement	No debarment procedure	No penalties for false reporting or failure to report	No due process provision	No penalty	Industrial Commission sets and enforces PW
Albuquerque, NM	Every state or municipal contract	Bid date used for PW enforcement	Violating contractor debarred until violations resolved and contractor compliant	No penalties for false reporting or failure to report	Appeal to a panel of the Labor and Industrial Commission	No penalty	Labor Relations Division sets and enforces PW
Philadelphia, PA	All City construction and all offsite fabrication of sheet metal ducts or similar sheet metal products where the compensation exceeds \$200,000	Project start date used for PW enforcement	No City contract awarded to any contractor intentionally violating PW or violating PW on >1 City contract within the past three years	\$300 fine for failure to report; No penalty for false reporting	Appeal to a five member panel of the Board of Labor Standards	\$300 per employee for each violation	PW set by the Director of the Philadelphia Labor Standards Unit; PW enforced by Philadelphia Labor Standards Unit
Austin, TX	All "public work" construction projects if the PW is greater than the Austin city minimum wage	Bid date used for PW enforcement	No debarment procedure	No penalties for false reporting or failure to report	Disputes arbitrated under the Texas General Arbitration Act	\$60 a day per employee for underpayment	PW set by Texas State PW Statute; PW enforced by Austin Capital Compliance Office

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New York, NY	Construction under a contract with a public agency for the general public	Contract award date used for PW enforcement	Debarment where contractor underpays or falsely reports twice in a 6 year period	False and failure to report treated as underpayment	Dispute hearings held by the State Dept of Labor	16% interest on underpayment and 25% penalty on underpayment and penalty	NY State Commissioner of Labor sets the PW rate annually; New City Comptroller enforces prevailing wage
St. Paul, MN	Any state or municipal funding	Bid date used for PW enforcement	No debarment provision	No false or failure to report provision	State arbitration system	Criminal misdemeanor - up to \$700 fine and 90 days in jail	Minnesota Department of Labor and Industry sets and enforces prevailing wage rates
Detroit, MI	Any state or municipal funding	Invitation to bid date used for PW enforcement	No debarment provision	No false or failure to report provision	No due process provision	Criminal misdemeanor	State Dept of Labor and Economic Growth set the PW; Department of Licensing and Regulatory Affairs enforces PW
Baltimore, MA	Contract with state or municipality	Wages at time work performed	"Persistent violators" debarred for 2 years	\$10 a day for failure to report, no false reporting penalty	Mandatory hearing before the Commissioner of the Labor	\$20 a day for each underpaid employee or \$250 a day for each employee willfully underpaid	State Dept of Labor Prevailing Wage unit sets the PW rates; Commissioner of the Dept of Labor enforces the PW

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Cleveland, OH	Any public improvement	Bid date used for PW enforcement	Discretion of public authority (agency) to debar for intentional violation	False or failure to report considered intentional violation	Right to appeal any determination to hearing officer designated by the Director of the Dept of Commerce	75% of underpayment as penalty	State Dept. of Commerce sets and enforces PW
Pittsburgh, PA	City contracts with \$100,000 in City funds or a project > 100,000 sq. ft.	Bid date used for PW enforcement	City can prohibit bid from PW violator for 3 years	No penalties for false reporting or failure to report	Due process limited to debarment	\$500 fine for each underpaid employee	Bureau of Labor Statistics Market Rates sets the PW; City Solicitor enforces prevailing wage