



Legislation Text

File #: 21-0703, Version: 1

Other/Miscellaneous Request Template (Appointments; ROW; Code Changes; Zoning Action, etc.)

Date Submitted: 6-14-21

Requesting Agency: City Attorney’s Office
Division:

Subject Matter Expert Name:

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Item Title & Description:

(Do not delete the following instructions)

*These appear on the Council meeting agenda. Initially, the requesting agency will enter a 2-3 sentence description. Upon bill filling, the City Attorney’s Office should enter the title above the description (the title should be in **bold** font).*

*Both the title and description must be entered between the red "title" and "body" below. Do **not** at any time delete the red "title" or "body" markers from this template.*

A bill for an ordinance amending the Offenses, Miscellaneous Provisions chapter of the Denver Revised Municipal Code to provide for the offense of wage theft.

Amends Chapter 38, Article III of the Denver Revised Municipal Code to create 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. The Committee approved filing this item at its meeting on 6-22-21.

Affected Council District(s) or citywide? Citywide

Executive Summary with Rationale and Impact:

Detailed description of the item and why we are doing it. This can be a separate attachment.

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.

Address/Location (if applicable):

Legal Description (if applicable):

Denver Revised Municipal Code (D.R.M.C.) Citation (if applicable):

Draft Bill Attached?