



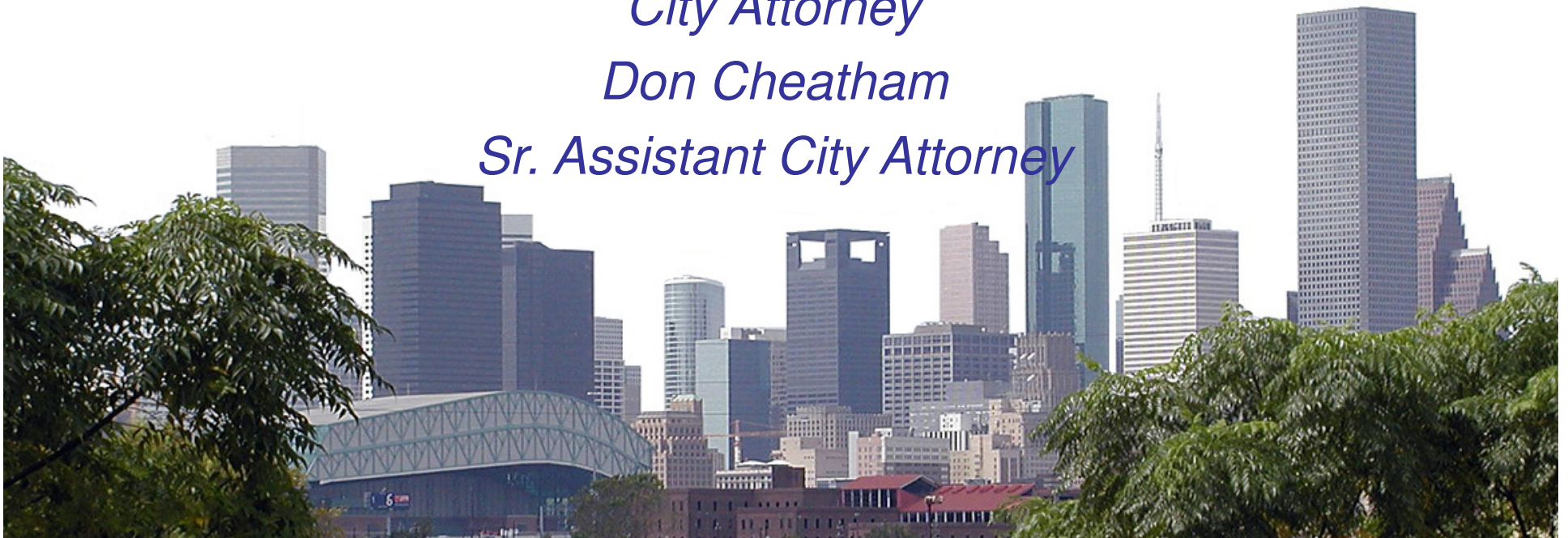
Public Safety Committee August 27, 2013

UPDATED!!

Proposed Wage Theft Ordinance

*David M. Feldman
City Attorney*

*Don Cheatham
Sr. Assistant City Attorney*



Background

- Victims of wage theft currently have three avenues of redress available.
 - An administrative process initiated by a complaint filed with the Texas Workforce Commission under the Pay day Act
 - The filing of a criminal complaint with HPD or the Harris County D.A. for theft of services
 - Filing of suit in J.P. or Small Claims Court
- Persons subjected to wage theft are generally unaware of or unable to access their remedies available to them under state law.

Wage Theft Database

- A publicly accessible database of all employers, including both prime and sub-contractors, located or operating in greater Houston area, that have been:
 - (1) Convicted of an offense under Section 61.019, Texas Labor Code or Section 31.04, Texas Penal Code;
 - (2) Assessed an administrative penalty under Section 61.053, Texas Labor Code; or
 - (3) Adjudicated by a court of competent jurisdiction as having engaged in wage theft in litigation initiated by an employee against an employer.

Wage Theft Coordinator

This employee will:

- Provide counseling and assistance to persons alleging wage theft.
- If a city contract is involved, maintain a record of complaints alleging wage theft by an employer.
- Investigate and work to resolve meritorious complaints regarding a city contractor.
- Monitor council agendas to determine whether any employer named in the database or an unresolved complaint is seeking a city contract.

Wage Theft Complaints (*involving city contracts*)

- Any person subjected to wage theft by an employer in connection with a city contract may file a written complaint with the wage theft coordinator.
- Any person subjected to wage theft by a non-city contractor may seek the assistance of the wage theft coordinator in determining how to seek resolution of the complaint.
- If a wage theft complaint is deemed meritorious and the wage theft coordinator is not successful in resolving the complaint, the employer may be subject to sanctions.

Sanctions

- An employer on the wage theft *database* shall not be eligible for a city contract.
- Any employer that holds a city contract and engages in wage theft may be subject to action on the contract.
- If an employer listed on the wage theft database is a city contractor, subcontractor, or materials supplier, that employer's contract will be subject to termination and the contractor may be subject to debarment.
- An employer listed on the wage theft database due to a criminal conviction shall not be permitted to receive or renew any occupational license or permit for a period of five years.