Public Safety Committee
August 27, 2013

UPDATED!!
Proposed Wage Theft Ordinance

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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.