



# CITY OF HOUSTON

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**Annise D. Parker**

Mayor

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**To:** Mayor Annise D. Parker  
City Council Members via  
William Paul Thomas

**From:** David M. Feldman  
City Attorney

**cc:** Waynette Chan, Janice Evans,  
Marta Crinejo

**Date:** October 11, 2013

**Subject:** Draft Wage Theft Ordinance

As you may be aware, a proposal to adopt a wage theft ordinance has been presented to the Public Safety Committee twice, the most recent of which was held on August 27, 2013.

Since that time, I have met with various stakeholders, including advocates for employees and representatives of employer groups. These discussions have resulted in some fine-tuning of the ordinance, a copy of which is attached hereto, as follows:

- The ordinance now applies only to city contractors, a defined term. This will allow the city to focus its efforts on matters it can truly have an impact on. If a complaint is received alleging wage theft by an employer that is not a city contractor, the complainant shall be referred to the Texas Workforce Commission.
- The concept of a wage theft coordinator has been eliminated. Any complaints alleging wage theft by a city contractor shall be handled by the Office of Inspector General and reviewed by a person trained in employment law.
- If the Inspector General determines that a complaint alleging wage theft by a city contractor is meritorious, the Inspector General shall attempt to resolve the complaint by requesting the employer make payment of unpaid wages. The city or the employer may request mediation to resolve the matter. If no resolution is achieved, the complainant shall be referred to the Texas Workforce Commission.
- No contractor shall be placed on the wage theft database until any relevant conviction, adjudication, or penalty has become final, and no further appeal is available.

- Before being placed on the database, a contractor shall be given 30 days' notice and an opportunity to demonstrate that such placement is not justified.
- A list of occupational licenses/permits that could be revoked if a contractor does engage in wage theft has been added to the ordinance.

The ordinance will be posted on the city website for public comment, after which time it will be brought before city council for further consideration. Please do not hesitate to contact me if you have any questions or concerns about the drafting process.