

Denver Proposed Citywide Minimum Wage – UPDATED 11.18.2019

Building on previous actions to ensure Denver city employees and many city service contract employees are paid a minimum wage of \$15 per hour by 2021, Mayor Hancock and Councilwoman Kniech have introduced legislation to set a citywide minimum wage for all workers employed in Denver beginning Jan. 1, 2020.

In 2019, through [HB19-1210](#), Colorado's legislature authorized local governments to set a citywide minimum wage greater than the state constitutional wage (currently \$11.10 per hour and scheduled to increase to \$12 per hour on 1/1/2020). Denver proposes to utilize this new authority to enact a citywide minimum wage to help those working in our city better keep up with an increasing cost of living. Extensive public engagement occurred in September and October and City Council will consider the proposal in November.

Citywide Minimum Wage Proposal

- Proposed Wage Rates
 - \$12.85 on 1/1/2020
 - \$14.77 on 1/1/2021
 - \$15.87 on 1/1/2022
 - Beginning 1/1/2023, wages would increase annually based on the Consumer Price Index (CPI)
 - By law, wages can only be adjusted on Jan. 1; annual increases cannot exceed higher of 15%/ \$1.75.
- State law requires wages be paid to all adults/emancipated minors, does not allow for exceptions.
 - Unemancipated minors may be paid up to 15% below the Denver citywide minimum wage if employed through a city-certified employment training program
- Complaint-based enforcement by the Denver Auditor's Office
 - Workers or third parties who believe workers are being underpaid may file a complaint with the Auditor's Office in English/Spanish. Complaints may be filed anonymously.
 - Complaints must be filed within one year of a violation
 - Retaliation for filing complaints is expressly prohibited
 - Private right of action for workers is also allowed, with a 3 year statute of limitations
- Investigations by Auditor outside of a complaint may begin in 2022, if a valid basis exists through:
 - Violations by an employer at a different business they own;
 - A pattern and practice of credible complaints against a particular industry; or
 - Credible information from the city or another government entity that indicates an employer or industry is likely to be violating this ordinance
- Escalating penalties for non-payment of required minimum wage and other violations
 - Daily penalties and fine structure
 - Right to remedy first violation without penalty if good faith error was made
 - In addition to penalties, employees must be made whole for all underpayment of wages
- A "tip credit" of \$3.02, matching the state constitutional level, is available for food & beverage workers

More than 90,000 workers would see higher wages under Denver's proposal.¹ By 2022, Denver would join 13 other cities/counties that already have a minimum wage at or above \$15 per hour. Another 12 cities/counties and three states with minimum wage legislation are scheduled to reach \$15/hour in coming years.²

For more information, please visit www.denvergov.org/livablewage or contact: Skye Stuart (720-865-9058, skye.stuart@denvergov.org), Evan Dreyer (720-865-9029, evan.dreyer@denvergov.org) or Councilwoman Kniech (720-337-7712, robin.kniech@denvergov.org).

¹ <http://www.bellpolicy.org/2019/04/22/denver-workers-minimum-wage-low-wage-jobs/>

² <https://www.nelp.org/news-releases/workers-getting-raises-19-states-21-cities-increase-minimum-wage-new-year/>