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City and County of Denver

Denver Contractor Minimum Wage

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www.denverauditor.org/minimumwage

Minimum Wage Overview

What Is the Basis for Minimum Wage?

Beginning July 1, 2019, it's the law. Denver Revised Municipal Code §20-82 prescribes the city's minimum wage requirements, "every person or entity that provides any of the following services: concession services; catering services; maintenance services; ramp and cargo services; hospitality services; miscellaneous services; or security services as defined in this division ("covered services") to the city, or on city property for more than thirty (30) consecutive days in a calendar year, or pursuant to a negotiated contractual requirement, shall pay all covered workers not less than a "city minimum wage" as calculated pursuant to subsection (c) for covered work."

When does Minimum Wage Apply?

The new minimum wage applies when all the following are met:

1. The subject work is performed after July 1, 2019;
2. The subject work is performed pursuant to a contract;
3. The subject work provides the city a service, or is provided on city property for 30 consecutive days, or the employer has otherwise contracted to comply with the city's minimum wage requirements;
4. The contract value is equal to or greater than \$50,000;
5. The subject work is covered work under the city's minimum wage ordinance; and
6. No statutory exclusion applies.

What Types of Work Are Covered by Denver's Minimum Wage?

The following is covered work under Denver's minimum wage:

1. **Catering services** – the preparation, packaging, and delivery of meals for in-flight service to flight passengers; food inspection; cleaning dishes; or cleaning or operation of facilities used for meal preparation, packaging, or storage;
2. **Concession services** – commercial provision of consumer goods or services, including food and beverage service, cashier service, wait staff, retail sales, retail customer services, lounge operation, kiosk operation, or concession cleaning services;
3. **Hospitality services** – hotel cleaning or housekeeping, laundry, hotel desk clerk or porter;
4. **Maintenance services** – custodial, janitorial, window washing, aircraft cabin cleaning, solid waste removal, repairs, weed or pest control, or recycling;
5. **Miscellaneous services** – ticketing agent, bag drop attendant or skycap, parking lot operation services, passenger shuttle driver, wheelchair or cart attendant, cab starter, towing services, baggage handler, or rental car-related activities;

6. **Ramp and cargo services** – guiding aircraft in and out of the airport; coordinating aircraft loading and unloading positions; positioning and operating passenger, baggage, and cargo loading and unloading devices; loading or screening baggage and cargo; aircraft maintenance; fueling and towing aircraft; cleaning ramp areas; or servicing aircraft equipment, mechanics, and lavatories; and
7. **Security services** – city property security; security of personal property, including passenger aircraft; terminal security; or parking security.

What are the Statutory Exclusions?

The following circumstances exclude an employer from complying with Denver’s minimum wage requirements:

1. Subject work performed by volunteers;
2. Subject work performed under a permit or business license;
3. Loan contracts with the city;
4. City certified employment programs;
5. Businesses with fewer than 25 employees where the contract value is less than \$500,000;
6. The purchase of materials or goods where no other covered work is provided;
7. State or federally mandated programs;
8. Intergovernmental Agreements;
9. Subcontractors performing services less than 7 consecutive days or less than 30 total days in a calendar year.

What Minimum Wage Rate Applies?

The minimum wage is the greater of the applicable prevailing wage, living wage, or minimum wage for the class of work being performed. See D.R.M.C. §20-84.

How Do City Contractors Comply with Denver’s Minimum Wage Requirements?

To be compliant, city contractors must pay their employees the appropriate wage. There is no additional reporting requirement.

How Are Minimum Wage Complaints Made?

Individuals who wish to make a complaint related to Denver’s minimum wage may e-mail the Denver Auditor’s Office at wagecomplaints@denvergov.org or call 720-913-5039.

How Are Minimum Wage Complaints Investigated and Resolved?

The Denver Auditor’s Office will investigate all complaints submitted. The Auditor’s Office will request city agencies, employees, and employers produce documentation to resolve any complaint submitted. When the investigation is complete, the assigned investigator will seek restitution for any underpaid employee or inform the complainant no evidence of underpayment was found.

Are There Penalties for Failing to Comply with Denver’s Minimum Wage Requirements?

The Auditor’s Office is permitted to fine employers for non-compliance with Denver’s minimum wage requirements or failure to cooperate with an investigation.

Do Minimum Wage Rates Change?

Denver’s minimum wage rates increase every year on July 1st or as otherwise directed by contract.