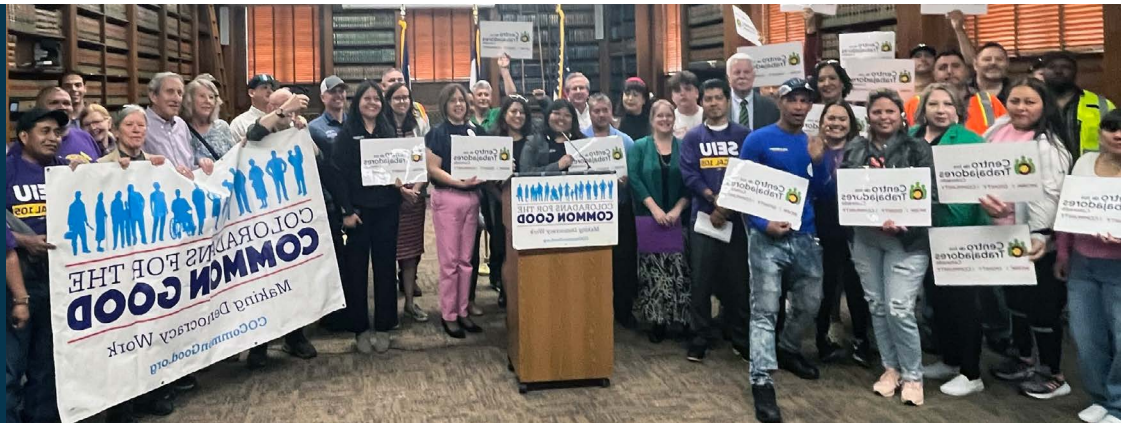


# Denver Labor Subpoena Power



On April 20, 2024 the Denver City Council entrusted the Denver Auditor's Office with subpoena power for wage investigations. This bill gives the Auditor's Office the tools it needs to get information from private employers who do not voluntarily cooperate during wage theft investigations. By having a collaborative tool like this, the Auditor's Office can seek faster resolution and payment on behalf of workers, while limiting the burden for businesses.

## WHAT IS A SUBPOENA?

- A subpoena is a formal written order from a government agency requiring someone to produce specific records or evidence. For Denver Labor, that means it's a tool to require employers to send information for a wage theft investigation. This information could be useful to prove underpayments or other violations of Denver's wage laws.

- Before Denver Labor had subpoena power, the only option to get employers to share information was a single \$1,000 fine. This was not a strong enough incentive to encourage cooperation. The goal was to create incentives to share information, not to financially penalize businesses.

## WHO CAN ISSUE SUBPOENAS?

- Until recently, every elected official in Denver except for the Denver Auditor had subpoena power. Several city agencies or departments can issue subpoenas. This is a common tool for both wage enforcement agencies and government audit organizations across the country. The Denver Labor subpoena power is the most limited in the city.

◀ Auditor O'Brien speaks at a press conference on April 29, 2024 with community leaders who shared stories of wage theft and called for subpoena power for the Auditor's Office.



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The Denver City Council unanimously passed the bill (below) to grant subpoena power to Denver Labor on April 29, 2024. Members of the community and City Council members applauded the passage (left).

Motion Passes			LIVE
Aye	13	Nay	0
		Abstain	0
Flor Alvidrez	■	Sarah Parady	■
Kevin Flynn	■	Diana Romero Campbell	■
Stacie Gilmore	■	Amanda Sandoval	■
Serena Gonzales-Gutierrez	■	Amanda Sawyer	■
Chris Hinds	■	Jamie Torres	■
Paul Kashmann	■	Darrell Watson	■
Shontel Lewis	■		■

### WHAT CAN THE AUDITOR’S OFFICE DO WITH THE NEW DENVER LABOR SUBPOENA POWER?

- Require employers to share information like payrolls, employee handbooks, and other records showing things like employee pay or deductions.
- Fine employers for lack of record production: \$1,000 for every day of noncompliance with the subpoena.

### WHAT MAKES THIS SUBPOENA POWER UNIQUE?

- The Denver Labor subpoena power is more limited than almost any other Denver subpoena authority. It only allows us to issue subpoenas in connection with our official duties.
- It includes the opportunity for businesses to appeal the subpoena before a hearing officer. That hearing officer could add extra protections for sensitive information, limit the request for information, or stop the subpoena entirely.
- Our subpoena power has city-leading guarantees for ethical, independent hearing officers.

### WHO WILL THIS HELP?

- Delays in producing information or refusal to produce documents can keep workers from getting paid the wages they earned in a timely manner. Every day without money matters to the hardworking individuals in our community who are supporting their families, neighborhoods, and our economy. They struggle to pay rent, utilities, and all the other costs of living in an expensive metro area.
- Subpoena power is a moderate step to support collaboration and record production, without forcing small businesses or other employers to spend time and money on a lawsuit.

Subpoena power guarantees the production of records —instead of just levying fines and penalties with no guarantee of the outcome workers need.

It encourages cooperation and permits the Auditor and the subpoenaed party to mutually agree to a time and scope for producing the requested records.

Subpoena power is a tool in our toolbox. One we expect to use rarely. Just like a firefighter or a carpenter needs their tools, we have this necessary tool to support positive wage investigation outcomes for the whole community.



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