

Executive Order No. 133

TO: All Agencies Under The Mayor

FROM: John W. Hickenlooper, Mayor

DATE: November 17, 2006

SUBJECT: Certification of Youth Employment Programs under the Prevailing Wage Ordinance

Purpose: This Executive Order shall establish certification criteria and procedures for contractors undertaking youth employment programs on City construction projects where properly certified program participants will be exempt from the City's prevailing wage ordinance.

- 1.0 **Applicable Authority:** The applicable authority relevant to the provisions and requirements of this Executive Order No. 133, are found in the Charter of the City and County of Denver at Section 2.2.10 and in the Denver Revised Municipal Code at Section 20-76 through 20-79.
- 2.0 **Responsible Authority:** The responsible authority for implementing the policies and procedures established by this Executive Order shall be the Division of Workforce Development (DWD), established under the Office of Economic Development by Executive Order No. 28 and the City Auditor's Office, established under Article V of the City Charter.
- 3.0 **Scope:** The requirements of this Executive Order shall apply only to youth employment programs undertaken by contractors performing construction work on City public improvement projects, where such contractors are seeking an exemption from the application of the City's prevailing wage ordinance. This Executive Order shall not apply to any youth employment program conducted by any City Agency.
- 4.0 **Youth Employment Program Certification:** It shall be the policy of the City and County of Denver that any youth employment program that is funded in whole or in part by the City and County of Denver or any youth employment program where the participants are providing work or services in connection with a public building or public work of the City, as provided for in DRMC 20-76(a) of the City's prevailing wage ordinance, shall be annually certified by the DWD as complying with the program criteria and eligible youth criteria established by this Executive Order. Diligent application of these criteria shall provide significant educational opportunities for qualified youth without undermining the overall scope and effective enforcement of the City's Prevailing Wage Ordinance.

4.1 **Youth Employment Program Criteria:**

- a. The program must have a demonstrated training component which combines classroom learning with on-the-job training.
- b. If the program work involves an area of expertise or trade classification covered by an apprenticeship program defined and governed by the United States Department of Labor, the program must demonstrate how the program curriculum will prepare a participant for such an apprenticeship program and compliment training offered by such a program.
- c. The program training component must cover specific foundational practices and techniques including, without limitation, basic math, reading comprehension, project management, time management and tool and equipment usage specific to the program work.
- d. The program training component must also include applicable safety or safety related instruction for the program related program work.
- e. The program classroom learning component will comprise a minimum of eight (8) hours per week of in classroom instruction, unless the DWD as part of its certification determination allows for a reduced in classroom instruction component.
- f. The program must assess the classroom skills utilizing a DWD recognized and approved assessment tool and either provide educational remediation services or connect the youth to a provider who can.
- g. The program must comply with all applicable laws regarding employment of youth 19 years of age and under, including all OSHA requirements.
- h. The program shall provide that each participating youth enrolled in the programs shall be at least 14 years of age, but shall not have attained 19 years of age.
- i. The program shall provide that participating youth shall not work during school hours unless they have written permission from a parent or guardian and the educational institution they attend. (during non-school times youth are able to work additional hours as long as such work does not violate any applicable laws).
- j. The program shall provide that participating youth may not have had any previous similar or related experience in the occupation or program related industry.

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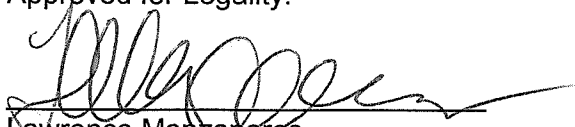
4.2 **Youth Eligibility Criteria:**

- a. The program shall provide that participating youth 17 years of age and younger who do not have a GED or diploma shall not work more than 20 hours in a week during the school year of the educational institution they attend.
- b. The program shall provide that participating youth 18 years of age and older who have a GED or diploma shall not work more than 40 hours per week.
- c. The program shall provide that the prevailing wage exception may only be paid for the first 700 hours (approximately 4 months if working 40 hours per week). If any participant performs work in excess of this limit, participant shall be paid at the applicable prevailing wage rate.
- d. The program shall provide that participating youth will only work under the direction of and directly assist a highly trained and qualified employee by frequently using the tools of that employee and will not regularly perform the duties of a general laborer. If the youth regularly performs the work of a different job classification or occupation, he/she will be compensated for such work at the applicable prevailing wage rate.

5.0 **Auditor's Office:** The Auditor's Office will be responsible for monitoring and enforcing eligibility requirements and the DWD will provide the Auditor's Office, Prevailing Wage Enforcement Section with a copy of each program submittal for review prior to certification and an updated list of certified programs.

6.0 **Memorandum Attachments:** The procedure(s) for implementing this Executive Order, may be defined by Memorandum Attachments to the Executive Order which shall become a part of the Executive Order. Further the City Attorney's Office which is responsible for the content of this Executive Order shall have the authority to issue procedural Memorandum attachments relative to this Executive Order.

Approved for Legality:

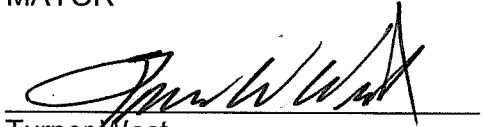


Lawrence Manzanaras
City Attorney for the City and County
Of Denver


Approved:



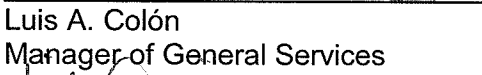
John W. Hickenlooper
MAYOR




Turner West
Manager of Aviation



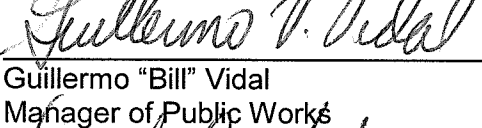
Nancy Severson
Manager of Environmental Health



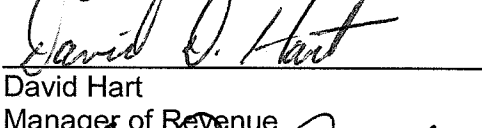
Luis A. Colón
Manager of General Services



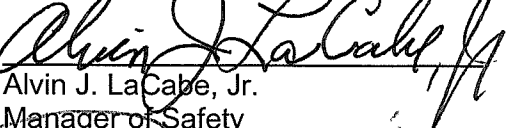
Kim Bailey
Manager of Parks & Recreation



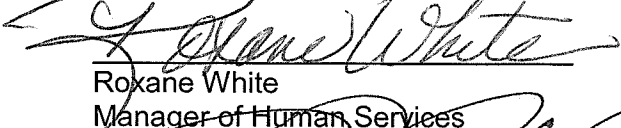
Guillermo "Bill" Vidal
Manager of Public Works



David Hart
Manager of Revenue



Alvin J. LaCabe, Jr.
Manager of Safety



Roxane White
Manager of Human Services



Peter Park
Director of Planning & Development

MEMORANDUM NO. 133A

TO: All Agencies Under The Mayor
FROM: John W. Hickenlooper, Mayor
DATE: November 17, 2006
SUBJECT: Certification of Youth Employment Programs under the Prevailing Wage Ordinance

This Memorandum shall be attached to and become part of Executive Order No. 133, dated, November 17, 2006, subject "Certification of Youth Employment Programs under the Prevailing Wage Ordinance."

- 1.0 **Youth Employment Certification Procedures:** The procedures to be employed by the Department of Workforce Development in certifying youth employment programs under the criteria set forth in Executive Order 133 shall be as follows:
- 2.0 **Application:** Programs seeking certification must apply using an certification or renewal of certification application form prepared by DWD.
 - 2.1 The application must be completed, signed and sworn before a notary public by an officer or other authorized representative of the Applicant.
 - 2.2 Completed applications must be submitted to:

Department of Workforce Development
201 West Colfax
Denver, Colorado 80202
 - 2.3 The DWD shall not consider or take action on an incomplete application. An application is not complete unless and until all required information is provided, including all attachments, enclosures and continuation pages, and all questions and inquiries of the DWD have been answered.
 - 2.4 The DWD will provide an Applicant that fails to properly complete the application with written notice on any deficiencies in the application. If an application remains incomplete for 45 days following the later of (i) the date of its submission or (ii) the date of the last inquiry or communication from the DWD, the DWD will consider it to be abandoned by the Applicant, and if it is a renewal application the Applicant's certification status will expire.

- 2.5 The information contained in the certification application must be current at the time it is filed. Any materially false statement in a certification or renewal application or failure to disclose requested material information will be cause to deny certification, and may, at the discretion of the DWD, be cause for denial or revocation.
- 3.0 **Determination:** DWD will take action on an application within thirty (30) days of receipt of complete application and will notify the Applicant by mail of any action taken on an application. If the application is granted, the notice will so state. If the application is denied, the applicant will be informed.
- 4.0 **Certification Duration:** If an Applicant is notified by the DWD that the proposed program has been certified, the certification of that youth employment program will remain in effect only through the date that is twelve (12) months after the last day of the month in which the certification was issued or renewed.
- 5.0 **Renewal:** Renewal applications are required. Complete renewal applications must be received in the DWD office on or before the last day of the certification period. Renewal application requirements are identical to the requirements for new applications.
- 6.0 **Review:** During the term of certification, a program's status will not change without notice to the program contact. Any time the DWD deems it necessary, it may review the qualifications of a certified program. If this occurs, the DWD may require the program contact to submit additional information.
- 7.0 **Denial, Suspension or Revocation:**
 - 7.1 The DWD may deny an application for certification if, based on the information available to the DWD (including but not limited to the application), shows that the Applicant does not meet the criteria for certification set forth herein.
 - 7.2 The DWD may suspend or revoke a certification at any time for any failure to meet the criteria set forth herein.
 - 7.3 If the DWD denies, suspends or revokes an Applicant's certification, the denial, suspension, or revocation will remain in effect until such time as a new or supplemental application is filed and acted upon. The new or supplemental application must demonstrate that the reasons for denial or revocation no longer exist or that they have been adequately addressed or resolved.
 - 7.4 An administrative review by the Director of the DWD of any denial, suspension or revocation may be requested by an Applicant within 30 days of the date of notice of such action by the DWD. Any notice of denial, suspension or revocation shall apprise the Applicant of this opportunity for administrative review. Failure to request a review within this time period shall operate as a waiver of any right of review, reconsideration or appeal of the DWD action.