



**CITY OF BOULDER**  
**Human Relations Commission**  
**DATE: Dec. 17, 2015**

**AGENDA TITLE**

Options to Expand City of Boulder Living Wage Resolution 926

**PRESENTER/S**

Karen Rahn, Human Services Director  
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**EXECUTIVE SUMMARY**

As part of an ongoing effort to encourage fair wages in the City of Boulder, in January 2015, City Manager Jane Brautigam convened a working group of city staff to prepare an update to the current Boulder living-wage resolution for council consideration.

Living Wage was last considered by council in 2001-03, at which time it adopted Resolution 926 (**Attachment A:** Resolution 926) committing the city to pay all standard, full-time City of Boulder employees no less than 120 percent of the Federal Poverty Guidelines.

In 2003, that wage was calculated to be \$10.62/hour. As recommended in the resolution, it has been adjusted each year to remain at 120 percent of the Federal Poverty Guidelines for a family of four. In recent years the wage has increased to \$13.59/hour (2013), \$13.76/hour (2014) and \$13.99/hour (2015).

**STAFF RECOMMENDATION**

**Suggested Motion Language:**

Staff requests Human Relations Commission consideration of this matter and action in the form of the following motion:

Motion to recommend that City Council adopt staff recommendations related to options to expand Resolution No. 926.

## **ACTIONS AND OPTIONS**

City employees provide a broad range of services to the Boulder community and addressing issues of livable wages for employees is a priority in the city's consideration of the living-wage issue. Therefore the city manager, by executive action, has determined that Resolution 926 be extended to include all standard part-time and temporary City of Boulder employees. The executive action will take effect on Feb. 1, 2016 to coincide with the publication of the 2016 Federal Poverty Guidelines.

Additionally, the staff living working group has prepared the following four options for consideration for recommendations to City Council, at this time. The options are not mutually exclusive:

1. Implement a policy requiring janitorial and landscaping service contractors with the city to meet wage rates identified in Resolution 926, effective 2016;
2. Conduct a detailed analysis, as part of consideration of the 2017 budget development, of extending Resolution 926 to include the city's seasonal workers;
3. Conduct a detailed analysis, as part of consideration of the 2017 budget development, of implementing a policy requiring service contractors with the city, in addition to janitorial and landscaping contractors, to meet wage rates identified in Resolution 926; and
4. Participate in statewide efforts to repeal Colorado Revised Statute (CRS) section 8-6-101, the State of Colorado law that prohibits municipalities from establishing minimum-wage laws higher than the state minimum wage.

## **BOARD AND COMMISSION FEEDBACK**

HRC will review the policy and make recommendations at its Dec. 17, 2015 meeting.

## **PUBLIC FEEDBACK**

Public hearing is scheduled for the Dec. 17, 2015 HRC Meeting.

## **BACKGROUND**

The municipal and county living-wage movement began in the early 1990s, passing its first ordinance in 1994 in Baltimore. Since then many city and county governments across the country have adopted some form of a living-wage ordinance (LWO) or policy. Those ordinances and policies vary widely in their range of coverage. Some apply to all workers employed within a geographic area, others only to city or county government employees. Some cover employees of entities that provide contract services to the city or county government. Still others cover some combination of the latter two (**Attachment B: Benchmarking of Peer Cities and Colorado**).

LWOs and policies also vary widely in the timing with which they take effect. Some require all employers to meet the newly passed living-wage upon passage of the ordinance or policy. Others require that the wage be met incrementally over a period of years. Most are tied in some way to cost-of-living indices that help gauge inflation or deflation and estimate numbers of people living in poverty, such as the Federal Poverty Guidelines or the Consumer Price Index.

However, on an increasing basis, the long-established cost-of-living indices are challenged by social policy analysts as outdated instruments in the effort to gauge a family's cost of living and peg a wage that would realistically cover it. The criticism of traditional indices comprises

numerous points, including that they are often based on the cost of food and do not consider: the different needs of families including children at different ages; that low-income people now bear increased tax burdens; the widely varying costs of housing and other cost of living factors in different geographic locations of the country.

Over the past 20 years, an alternative approach to calculating the cost of living has been developed by Dr. Diana Pearce of the University Of Washington School Of Social Work. Called the Self-Sufficiency Standard (SSS), it factors a broad range of basic needs into its calculation, including local housing, child care, health care, transportation and taxes. Additionally, it varies expenses for children based on their age to accommodate differing child care, health care and nutrition costs at different ages. It considers housing cost variance not only by state but also by county, reflecting, for example, the considerable difference between renting or buying in New York City versus in a rural area in the same state.

In 2002 the National Center for Women’s Welfare was founded specifically to support the continued development and refinement of the SSS. As part of that effort, the center has established a network of 37 state-based organizational partners, one of which is in Colorado. The Colorado Center on Law and Policy prepares data-driven publications, policy proposals and advocacy initiatives addressing issues important to low-income Coloradans. Among its publications is The Colorado Self-Sufficiency Standard which has significantly influenced the way policies and programs for the state’s low-income workers are structured. Authored by Dr. Pearce, the Colorado SSS states:

*The Self-Sufficiency Standard for Colorado describes how much families of various sizes and compositions need to make ends meet without public or private assistance in each county of Colorado.*

*For most workers throughout Colorado, the Self-Sufficiency Standard shows that earnings well above the official Federal Poverty Level are nevertheless far below what is needed to meet families’ basic needs.*

The chart below shows the 2015 SSS for select family types in Boulder County:

### Chart 1: The Self-Sufficiency Standard for Select Family Types

TABLE 2. The Self-Sufficiency Standard for Select Family Types\*  
Monthly Expenses and Shares of Total Budgets: Boulder County, CO 2015

MONTHLY COSTS	ONE ADULT		ONE ADULT, ONE PRESCHOOLER		ONE ADULT, ONE PRESCHOOLER, ONE SCHOOL-AGE		TWO ADULTS, ONE PRESCHOOLER, ONE SCHOOL-AGE	
	Costs	%	Costs	%	Costs	%	Costs	%
Housing	\$996	42	\$1,232	26	\$1,232	22	\$1,232	19
Child Care	50	0	\$1,129	24	\$1,654	29	\$1,654	26
Food	\$295	13	\$448	9	\$675	12	\$926	15
Transportation	\$279	12	\$287	6	\$287	5	\$544	9
Health Care	\$146	6	\$413	9	\$434	8	\$485	8
Miscellaneous	\$172	7	\$351	7	\$428	8	\$484	8
Taxes	\$464	20	\$1,001	21	\$1,209	21	\$1,267	20
Earned Income Tax Credit (-)	50	0	50	0	50	0	50	0
Child Care Tax Credit (-)	50	0	(\$50)	-1	(\$100)	-2	(\$100)	-2
Child Tax Credit (-)	50	0	(\$83)	-2	(\$167)	-3	(\$167)	-3
TOTAL PERCENT		100		100		100		100
<b>SELF-SUFFICIENCY WAGE</b>								
HOURLY**	\$13.36		\$26.86		\$32.12		\$17.97	per adult***
MONTHLY	\$2,351		\$4,727		\$5,653		\$6,325	combined***
ANNUAL	\$28,209		\$56,718		\$67,837		\$75,906	combined***
EMERGENCY SAVINGS FUND	\$31		\$97		\$149		\$53	

\* The Standard is calculated by adding expenses and taxes and subtracting tax credits. The "Taxes" row includes federal and state income taxes and payroll taxes.  
 \*\* The hourly wage is calculated by dividing the monthly wage by 176 hours (8 hours per day times 22 days per month).  
 \*\*\* The hourly wage for families with two adults represents the hourly wage that each adult would need to earn, while the monthly and annual wages represent both parents' wages combined.  
 Note: Totals may not add exactly due to rounding.

Nationally, there is widespread belief among social researchers that real wages have been stagnant or dropping since the 1970s (although there are widely divergent opinions about the reasons for the drop). According to Drew DeSilver of the nonpartisan Pew Research Center, in real buying power, “the average wage peaked more than 40 years ago: The \$4.03-an-hour rate recorded in January 1973 has the same purchasing power as \$22.41 would today.”

There is not, however, consensus agreement. Heritage Foundation fellow James Sherk wrote last year in *The National Review* that a more accurate measure of inflation (the personal consumption expenditure or PCE) “shows the 1981 minimum wage would be worth \$7.47 an hour in today’s dollars.” Nationally proposed increases in the minimum wage, Sherk says, “would raise the minimum wage to a historically unprecedented level.”

According to DeSilver, since 2000 “weekly wages have fallen 3.7 percent (in real terms) among workers in the lowest tenth of the earnings distribution, and 3 percent among the lowest quarter. But among people near the top of the distribution, real wages have risen 9.7 percent.”

Although long-term, nationwide wage erosion is not a social condition that can be quickly reversed by a municipal ordinance or resolution, the federal government has left the living-wage issue largely up to states, counties and cities. According to the University of California at Berkeley Labor Center, “Across the country, cities and counties have become laboratories of policy innovation on labor standards.”

### Boulder LWO History

Boulder is among hundreds of U.S. cities deliberating the issue of wage fairness. The community-based Boulder Living Wage Campaign first brought the issue to City Council in the summer of 2001. Currently, Colorado state law prohibits the establishment of a citywide minimum wage (**Attachment C: C.R.S. Section 8-6-101**). CRS section 8-6-101 declares that no Colorado “unit of local government” is permitted to set “jurisdiction-wide” wages for any persons other than its own employees. In short, establishing a minimum wage for all employees within the city limits of Boulder would be a violation of state law. Specific language in the law, last updated in 2014, reads:

*The welfare of the state of Colorado demands that workers be protected from conditions of labor that have a pernicious effect on their health and morals, and it is therefore declared, in the exercise of the police and sovereign power of the state of Colorado, that inadequate wages and unsanitary conditions of labor exert such pernicious effect.*

*The general assembly hereby finds and determines that issues related to the wages of workers in Colorado have important statewide ramifications for the labor force in this state. The general assembly, therefore, declares that the minimum wages of workers in this state are a matter of statewide concern.*

*No unit of local government, whether by acting through its governing body or an initiative, a referendum, or any other process, shall enact any jurisdiction-wide laws with respect to minimum wages; except that a unit of local government may set minimum wages paid to its own employees.*

Minus the option of a citywide minimum wage law, council opted in 2003 to adopt Resolution 926 that directed the city manager to recommend annual budget appropriations necessary to pay

its standard, full-time employees no less than 120 percent of the Federal Poverty Guidelines. Currently, the City of Boulder has 1,199 standard full-time employees, many of whom are paid considerably above the rates identified in Resolution 926.

## **ANALYSIS**

### Status of Resolution 926

If social scientists who maintain that real wages have been falling for decades are correct, their analysis could help explain why Resolution 926 can look different from different angles. A \$13.99/hour minimum wage more than meets the Colorado SSS for a single person. It also compares very favorably with rates implemented around the country. The \$15/hour minimum wage laws passed in Seattle, San Francisco and Los Angeles, for example, call for incremental increases toward \$15 over several years. At this time minimums in those cities range between \$10.50 and \$12.25/hour. (On Oct. 21 of this year, the mayor of Syracuse, NY, increased the minimum wage for the city's employees to \$15/hour, effective immediately.) However the \$13.99 rate for City of Boulder employees falls considerably short of rates identified in the Colorado SSS for a family of two, three or more. The long-term erosion of real wages might provide insight into how a wage can simultaneously be competitive with some of the most generous minimum-wage legislation in the country and yet fall below subsistence pay.

For example, a single parent of two earning the minimum City of Boulder wage would likely have to depend on benefits that have been called work supports since the federal welfare overhaul implemented by the Clinton administration in 1997.

Work supports are benefits intended to help meet basic needs as a person takes steps toward self sufficiency. Among them are:

- Colorado Child Care Assistance Program (subsidizes the cost of child care),
- Child Health Plus (provides health insurance to children with family income of up to twice the official federal poverty level),
- Supplemental Nutrition Assistance Program (SNAP),
- Low-Income Energy Assistance Program (LEAP),
- Federal Earned Income Tax Credit (EITC),
- Colorado Works, formerly the state's Temporary Assistance for Needy Families (TANF) program.

Because of the way work supports have been administered in Colorado, they have not always effectively moved families toward self sufficiency. Eligibility for work benefits depends on income eligibility thresholds, and a small increase in income can result in being over the limit and the loss of benefits that amount to a significant net decrease in resources for a family.

This penalty for increased earning is known as the "cliff effect" because the loss of each benefit causes a family to drop off an economic cliff. The cliff effect has been extensively documented by reports published by the Colorado Women's Foundation and the PBS *Losing Ground* (links to sources on last page.) By earning more, parents can make their families worse off than they were before, and getting back to a break-even point can take a lengthy period of pay increases. The most consequential cliff is child-care assistance because it often amounts to a loss of resources of \$6,000 or more can mean that a parent is no longer able afford child care to be able to work. Following is a map



- recommend the child care cost schedule;
- determine relative affordability and lack of affordability of housing costs in a given county over time;
- help guide people’s career choices based on needed wage level;
- help gauge progress of clients toward self-sufficiency;
- aide in personal budget development;
- advocate for raised income eligibility ceiling for various form of governmental assistance (e.g. eligibility for court appointed counsel); and
- help increase public understanding of why so many people cannot make ends meet.

A discussion about living-wage is also a discussion about poverty, homelessness, educational attainment, diversity, the justice system, commuter traffic, quality of life and other issues. Depending on family size, Resolution 926 has effectively moved some City of Boulder employees toward greater self sufficiency.

Executive Action to Expand Resolution 926

City employees provide a broad range of services to the Boulder community and providing employees with an equitable, livable wage is a priority in the city’s consideration of the living-wage issue. Therefore, the city manager, by executive action, has determined that Resolution 926 be extended to include all standard part-time and temporary City of Boulder employees. The executive action will take effect on Feb. 1, 2016 to coincide with the publication of the 2016 Federal Poverty Guidelines. (**Attachment D**: Amended Resolution 926.)

Neither standard, part-time, nor temporary City of Boulder employees are currently included in Resolution 926 coverage. According to the Human Resources Department, 30 of the 127 standard part-time employees are currently paid less than the \$13.99. The annualized cost to the city of bringing those 30 staff members to \$13.99 would be approximately \$37,000. There is no impact of pay compression on current employees; beyond the 30 affected standard part-time employees in four job classifications, the next lowest part-time employee currently earns \$14.55 per hour.

Similarly, of the 122 current temporary employees working for the city, 29 are paid less than \$13.99. The annualized cost of raising their wage to \$13.99 would be approximately \$117,000.

**Chart 3: Annualized Cost of Executive Action**

<u>Employee Group</u>	<u>Bring to \$13.99</u>	
	<u>ee's</u>	<u>Annualized Cost</u>
Standard Part-time	30	\$37,000
Temporary	29	\$117,000
Standard Part-time & Temporary	59	\$154,000

Note: See **Attachment E**: List of Standard Part Time and Temporary Positions through September 2015 which includes:

- Salary data from October snap shot of employees paid through September 2015.
- Annualized cost for employees based on annualized Full-time Equivalent (FTE) including salary-based benefits.

C.R.S. Section 8-6-101 impedes the City of Boulder from including the majority of low-wage workers in living-wage legislation or policy. Therefore, options presented in this document are efforts to: 1) extend Resolution 926 coverage to as many employees as is legally and economically possible; and 2) support the repeal of C.R.S. Section 8-6-101. With this background and analysis in mind, the following are options to consider.

### Options

*Option 1: Implement a policy requiring the city's janitorial and landscaping service contractors to meet wage rates identified in Resolution 926.*

CRS section 8-6-101 prohibits local governments from enacting any jurisdiction-wide laws with respect to minimum wages. However, according to the City Attorney's Office:

The statute does not restrict local governments from establishing policies that address the wages a government contractor pays its employees.

The city is a marketplace participant. The city contracts with providers to purchase labor, time and effort to support the city's operations and advance the interests of the city. To those ends, the city has a right to establish and implement policies for purchased services contracts. CRS section 8-6-101 does not prohibit the city from expanding the scope of Resolution 926 to include the wages paid to employees of contractors with contracts to perform work for or provide services to the city.

In 2001, Denver enacted a limited contractual living-wage commitment pursuant to direct service contracts with the city involving mechanics, clerical support workers, laborers and janitorial workers. It enforces the living-wage on the grounds that such a limited contractual regulation of minimum wages should not be considered to be "jurisdiction-wide," even though it goes beyond the wages of Denver's own employees.

The Purchasing Office prepared the following detailed analysis of the impact of requiring entities to meet wage thresholds identified in Resolution 926 for contract work amounting to \$10,000 or more a year. About 50 contract employees would be affected in this scenario.

### Background

The Purchasing staff reviewed contracts, related purchasing activity, and estimated the impact of implementing a living-wage of \$13.99 per hour for projects funded through the City of Boulder. In discussion with staff, review of existing contracts, and discussion with members of the vendor community, it appears the primary areas of impact would be in the contracting of janitorial and landscaping services.

Staff also contacted vendors that supply painting, concrete, and construction services. Staff learned these contractors already pay their employees a wage above the proposed \$13.99 minimum wage and they indicated there would be no significant effect on existing city contracts for these services or to proposals received through the bid/proposal process.

### Research

Purchasing staff contacted janitorial and landscape vendors regarding the potential implementation of a \$13.99 minimum wage and learned the following:

- Janitorial contracts with the city are generally set with a \$9.00 per hour labor rate for workers. The hourly rate for janitorial labor would increase approximately 55.4 percent.
- Janitorial vendors typically target labor at approximately 50 percent of the contract value.
- Landscape contractors generally pay a wage of \$12 per hour, depending on job and skill set. The hourly rate for landscape labor would increase approximately 16.6 percent.
- A typical contract for general landscape work has a labor content of approximately 33 percent.

### Projected Annual Expenditures – Janitorial and Landscape Services

Purchasing staff reviewed 2015 invoice activity and estimates the city’s annual expenditures for janitorial and landscape services as follows:

- Janitorial service - \$639,132
- Landscape service - \$653,706

### Projected Impact

Based on the research completed, the following is the estimated annual impact of implementing a \$13.99 living-wage provision:

- Janitorial services \$177,040 annual projected increase (estimated 27.7 percent increase).
- Landscape services \$ 35,300 annual projected increase (estimated 5.4 percent increase).
- Total projected annual increase: \$212,340.

### Implementation

If a living-wage provision is adopted, the following are basic steps required for implementation from the Purchasing perspective:

- Existing affected contracts (estimated at 10–15) would need to be either updated via a contract amendment to incorporate a living-wage provision and corresponding rate increase, or allowed to continue with the current contract terms until the current contract expires and a new contract is negotiated. Input from the City Attorney’s Office would be needed to develop the contract amendment.
- A living-wage provision would need to be developed and incorporated into the city’s bidding and contracting templates for all future competitive solicitations. Input from the City Attorney’s Office would be needed to develop this provision.
- Determination of whether to include the living-wage provision into the city’s ordinances, documents, and websites would need to be determined and updated as appropriate.
- Department budgets would need to be reviewed and appropriate allocations made to account for the projected impact.

### Compliance

Compliance activities would be patterned off of basic procedures already in place for compliance to the Davis-Bacon Act<sup>1</sup> on federally funded projects:

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<sup>1</sup> The Davis-Bacon Act of 1931 is a federal law that applies to contractors and subcontractors performing on federally funded contracts for the construction of public buildings or public works. The Act requires laborers and mechanics employed under the contract to be paid no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area.

- Vendors (and subcontractors) would be required to submit to city-designated project managers a certified payroll that lists the employee, position, pay rate, hours worked, and total pay. At this time, project managers are responsible for receiving and reviewing certified payrolls to confirm compliance with the Davis-Bacon Act. While the audit activity is not expected to be extensive, department managers should be consulted to verify the impact to their individual workgroups.
- Via contract updates, the city would retain the right to audit the certified payrolls received for a specific project. The city would need to determine an audit routine based on the contracts in force, but quarterly audit cycle appears reasonable.
- Depending on the number of vendors subject to audit, the audit frequency and format, additional resource may be needed to support compliance.

#### Notes and Assumptions

- The analysis was based on information received from our known vendors in these respective areas and is an estimate based on contracting activity known to the Purchasing department. Purchasing surveyed departments in an attempt to capture all contracting activity and has included all responses in this analysis.
- Since the city does not have access to subcontracts issued by primary contractors, Purchasing is unable to capture the effect of all subcontracted activity.
- There may be vendors who currently pay more than the \$13.99 living-wage that attempt to initiate labor rate increases, and use this initiative as the catalyst for this change. The city would need to challenge and scrutinize these attempts on a case by case basis.

*Option 2: Conduct a detailed analysis, as part of consideration of the 2017 budget development, of expanding Resolution 926 to include seasonal workers. This analysis is anticipated to be completed prior to May 1, 2016.*

Seasonal employees (including youth, work-study and intern employees), pose a very different set of issues regarding wages. The majority of seasonal jobs are summer jobs that may not be positions of livelihood for an individual or family. They include Junior Rangers, lifeguards, sports instructors and officials, cashiers, etc. Other positions such as internships and work study positions further blur the line between employment, for which you are normally paid, and education, for which you often pay. There are more than 100 seasonal job classifications filled by over 700+ seasonal employees during the summer, although only a percentage would be working at any particular time.

Of the 582 seasonal employees working in July 2015, for the city, 446 were paid less than \$13.99. The average hourly increase to raise rates to \$13.99 for these seasonal workers would be approximately \$4.08 per hour (**Attachment F**: List of Seasonal Positions).

Among the questions that would need to be addressed in consideration of this option are:

- Who are the stakeholders who should be engaged in the discussion?
- Should there be a youth exception? At what age would the exception apply?
- Should there be an on-the-job education exception?
- Exceptions considered, what would the total cost to the city be?

- Could the increased cost burden result in the unintended consequence of reduction of number of seasonal employees hired, or reduction in services, due to budgetary constraints?
- Are there salary compression impacts and costs associated with this option?  
NOTE: Salary compression may occur when a distinct hierarchy of job skills and duties is not reflected in a distinct separation of salaries between incumbents that have those distinct skills and duties. This is more common to identify and control when people are paid by either piece-work, seniority-pay or step-pay systems, for they tend to reflect a standard separation of pay levels. However, modern variable pay approaches such as pay-for-performance and the use of open, flexible salary ranges tend not to have such standard separations in pay. Ideally under pay-for-performance, compression of pay is much harder to identify, since factors such as measured and rewarded levels of individual performance, labor market values and individual background experiences (both within a single organization or with several organizations) are at play.

For there to be salary compression in a pay-for-performance system, one must assume that, at the time of measurement for compression, salary hierarchies are stagnant, correct and not influenced by other factors. But more typically in pay-for-performance systems, salary increases are not the same, nor are individual performance levels; salary relationships are dynamic rather than stagnant. To identify salary compression in a pay-for-performance requires much more analysis than does hard hierarchy approaches to salaries.

*Option 3: Conduct a detailed analysis, as part of consideration of the 2017 budget development, of implementing a policy requiring service contractors with the city, in addition to janitorial and landscaping contractors, to meet wage rates identified in Resolution 926. This analysis is anticipated to be completed prior to May 1, 2016.*

The City of Boulder contracts with a range of businesses, nonprofit organizations, governmental agencies and other entities for a variety of services. They include construction contracts, nonprofit organizations that provide services to community members and emergency medical technicians who work with contracted emergency response services. An analysis of extending a living-wage to employees of contractors would need to start with a definition of what would and what would not constitute a contractor.

A particularly difficult question is whether the living-wage would apply to nonprofit organizations that contract with the city. On one hand, if a living-wage is deemed a “right” of employed people to help them approach self-sufficiency, nonprofit employees should have the same right as private, for-profit employees. On the other hand, the city contracts with nonprofits in order to subsidize their work providing needed services to the community. Wages in the nonprofit sector are typically lower. Inclusion of nonprofit contractors in a living-wage policy could result in either an increase in the city funding or a decrease in the level of service to the community.

There are other fundamental questions the analysis of Option 4 would need to address. One is cost to the city. In a 2003 memo addressing living-wage options (**Attachment G: 2003 Living Wage Options Memo**), former City Attorney Joseph N. de Raismes wrote:

One cautionary note is needed in evaluating these options. If council should request an estimate of the fiscal impact on the city, it will be very difficult to give one. The potential impact would be dependent on many factors, including the types of vendors covered by the ordinance, the contractors' wage structures and the competitive environment for the specific goods or services in question.

Some city government departments would be more heavily affected financially than others. It would therefore be particularly important to have broad engagement of city departments in the analysis process to determine full range of impacts.

A second question the analysis would need to address is jurisdiction over employees of contractors. Ready to Work, for example, is a program administered by Bridge House, which the city contracts with to offer homeless individuals a stepping stone to mainstream full-time employment. Additionally, some sectors of contracted labor might fall within the jurisdiction of any of the three city unions (BMEA, Fire and Police.)

A third question the analysis would need to address is enforcement. There is potential for evasion of the living-wage and some cities have developed mechanisms for monitoring compliance. Unless the city were to decide against any monitoring, there would likely be some related administrative costs for oversight. The city would also need to decide on consequences for inaccurate reporting of wage rates by contractors.

A fourth question regards the extent to which the impact of raising the wages of employees of city contractors would reach the Boulder community. Most city contractors are in business outside of the city, and most of their employees live outside of Boulder. The analysis should include assessing the extent to which the positive impact of increased wages would stay in Boulder, or would primarily benefit other communities.

Among other questions to be addressed in consideration of this option are:

- Who are the stakeholders who should be engaged in the discussion?
- At what contract dollar amount would the living-wage criteria apply?
- Should there be a small business exception defined by the number of individuals employed?
- Is there risk that contractors will choose not to bid on city work?
- Would the preference or qualification-based criteria apply to all employees of a contractor or only those who work on contracts with the city?

*Option 4: Participate in statewide efforts to repeal CRS section 8-6-101, the State of Colorado law that prohibits municipalities from establishing minimum wage laws higher than the state minimum wage.*

While Boulder undoubtedly has similarities to other Colorado cities, it also has qualities that make it very distinct. If self sufficiency for all people who work in Boulder is an ideal the city embraces, it needs the flexibility to establish policies and laws that address the unique characteristics of its population and economy. The one-size-fits-all approach of CRS section 8-6-101 limits Boulder's ability to develop wage laws that are tailored to meet its needs.

During the 17th Colorado General Assembly in the spring of 2015, a house bill (House Bill 15-1300) was introduced that would have permitted a unit of local government to enact laws with respect to the minimum wage within its jurisdiction. In a roll call vote, the bill failed in the senate. According to State Representative Dominic Moreno (House District 32), one of three sponsors of the bill, the next effort to repeal CRS Section 8-6-101 might be a 2016 ballot initiative.

## **MATRIX OF OPTIONS**

1. Implement a policy requiring janitorial and landscaping service contractors to meet wage rates identified in Resolution 926.

### Results:

- Extend living-wage to approximately 50 janitorial and landscaping employees of service contractors.
- Annual projected increase cost of \$212,340 to the city.
- Need to address the issues of monitoring and compliance.

2. Conduct a detailed analysis, as part of consideration of the 2017 budget development, of expanding Resolution 926 to include seasonal workers.

### Results:

- Extend Resolution 926 coverage to as many employees as is legally and economically feasible to advance self-sufficiency of city employees.
- Potential reduction of number of seasonal employees hired and reduction of services.
- Salary compression could be a potential issue.

3. Conduct a detailed analysis, as part of consideration of the 2017 budget development, of implementing a policy requiring service contractors, in addition to janitorial and landscaping, to meet wage rates identified in Resolution 926.

### Results:

- Extend living-wage to all employees who work directly or indirectly for the city.
- Higher wages would be paid by Boulder taxpayers, but the proceeds could primarily benefit communities outside the City of Boulder.

4. Participate in statewide efforts to repeal CRS Section 8-6-101, the State of Colorado law that prohibits municipalities from establishing minimum wage laws higher than the state minimum wage.

### Results:

- Eliminates one-size-fits-all approach of CRS Section 8-6-101 that limits Boulder's ability to develop wage laws that are tailored to meet its needs.

## **STAFF RECOMMENDATIONS**

1. Implement a policy requiring janitorial and landscaping service contractors with the city to meet wage rates identified in Resolution 926, effective 2016;
2. Conduct a detailed analysis, as part of consideration of the 2017 budget development, of extending Resolution 926 to include the city's seasonal workers;

3. Conduct a detailed analysis, as part of consideration of the 2017 budget development, of implementing a policy requiring service contractors with the city, in addition to janitorial and landscaping contractors, to meet wage rates identified in Resolution 926; and
4. Participate in statewide efforts to repeal Colorado Revised Statute (CRS) section 8-6-101, the State of Colorado law that prohibits municipalities from establishing minimum-wage laws higher than the state minimum wage.

#### **NEXT STEPS**

- HRC Public hearing on Dec. 17, 2015
- City Council consideration of options Feb. 16, 2016

#### Sources:

The complete and most recent version of the Colorado SSS can be found here:

[www.selfsufficiencystandard.org/docs/Colorado2015.pdf](http://www.selfsufficiencystandard.org/docs/Colorado2015.pdf)

A self-sufficiency wage calculator for counties throughout the state here:

<http://www.coloradoselfsufficiencystandardcalculator.org/>

<http://www.pewresearch.org/fact-tank/2014/10/09/>

[www.nationalreview.com/corner/369938/minimum-wage-facts-vs-fiction-james-shrek](http://www.nationalreview.com/corner/369938/minimum-wage-facts-vs-fiction-james-shrek)

<http://www.cbpp.org/research/misconceptions-and-realities-about-who-pays-taxes>

[www.pewresearch.org/fact-tank/2015/03/24/high-income-americans-pay-most-income-taxes-but-enough-to-be-fair/](http://www.pewresearch.org/fact-tank/2015/03/24/high-income-americans-pay-most-income-taxes-but-enough-to-be-fair/)

<http://www.wfco.org/document.doc?id=56>

<http://www.wfco.org/document.doc?id=60>

<http://www.wfco.org/document.doc?id=520>

<http://time.com/3969977/minimum-wage/>

<http://inewsnetwork.org/series/losing-ground>**Error! Hyperlink reference not valid.**

[http://www.denverpost.com/ci\\_23871961/cliff-effect](http://www.denverpost.com/ci_23871961/cliff-effect)

#### **ATTACHMENTS**

Attachment A: Resolution 926

Attachment B: Benchmarking of Peer Cities and Colorado

Attachment C: C.R.S. Section 8-6-101

Attachment D: Amended Resolution 926

Attachment E: List of Standard Part Time and Temporary Positions through September

Attachment F: List of Seasonal Positions

Attachment G: 2003 Living Wage Options Memo

**Attachment A**

**RESOLUTION NO. 926**

**A RESOLUTION COMMITTING THE CITY OF BOULDER TO  
PAY A "LIVING WAGE" TO ITS STANDARD FULL-TIME  
EMPLOYEES.**

WHEREAS, the City Council of the City of Boulder considered a Living Wage Proposal on July 1, 2003 and determined that it was unable to enact such a proposal this year because of the status of the City's budget; and

WHEREAS, the City Council requested that staff produce a resolution relating to the City of Boulder's own standard full-time employees, after hearing that only one such employee is not currently paid a living wage of \$10.62 per hour. Such amount, which shall be increased from year to year based upon changes in the index, constitutes 120% of the Poverty Guidelines adopted by the United States Department of Health and Human Services, as of February of this year; and

WHEREAS, the City Council is committed to pay at least the "living wage" as above-defined to all standard full-time employees of the City in order to provide a wage adequate to care for a family of four to all persons who serve the City of Boulder as standard full-time employees; and

WHEREAS, the City of Boulder is unable to extend the same consideration to temporary, part-time and seasonal employees, who are typically paid at a lower rate.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
BOULDER, COLORADO:**

That the City Manager shall report annually to the City Council at the time of the adoption of the annual budget whether there is any standard full-time employee of the City of Boulder who is being paid less than the living wage, based on 120% of the updated Federal Poverty Guidelines as set forth above, and shall recommend whatever additional appropriations are necessary to assure that all full-time standard employees of the City of Boulder are paid such "living wage."

APPROVED this 15<sup>th</sup> day of July, 2003.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk on behalf of the  
Director of Finance and Record

Attachment B: Benchmarking of Peer Cities and Colorado

Jurisdiction	Population	Public	Public	City-Wide	Date	Current Wage Rate	Wage Determination	Source
Ann Arbor, MI	117,759	N	Y	N	2001	\$12.70/\$14.18	Chapter 23 – Living Wage Requirements in City Contracts and Grants: Subsequent annual adjustments shall be based upon the percentage increase, if any, in the United States Department of Health and Human Services poverty guidelines when comparing the prior calendar year's poverty guidelines to the present calendar year's guidelines.	<a href="https://www.municode.com/library/mi/ann_arbor/codes/code_of_ordinances?nodeId=TITAD_CH23_LWARECOGR">https://www.municode.com/library/mi/ann_arbor/codes/code_of_ordinances?nodeId=TITAD_CH23_LWARECOGR</a>
Berkeley, CA	118,851	N	Y	N	Jun. 2000	\$14.04/\$16.37	BMC Chapter 13 27 – Live Wage Ordinance: Wages are adjusted annually according to the Consumer Price Index for all urban consumers in the San Francisco-Oakland-San Jose area. Adjusted wages are effective June 30th of each year.	<a href="http://www.ci.berkeley.ca.us/finance/Home/Vendors_Living_Wage_Ordinance.aspx">http://www.ci.berkeley.ca.us/finance/Home/Vendors_Living_Wage_Ordinance.aspx</a>
Davis, CA	66,733	N	Y	N	2008	\$12.71/\$14.47	Article 35.20 060(d) Compensation: The initial rates set forth in subsection (a) above shall increase annually, effective July 1st, in accordance to reflect increase during the preceding year in the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose (CPI-U), as published by the U.S. Department of Labor, Bureau of Labor Statistics. (Ord. 2327 § 1, 2008; Ord. 2390 § 36, 2012).	City Clerk's Office (530.757.5648)
Eugene, OR	160,552	N	N	N	N/A	N/A	N/A	
Madison, WI	245,674	N	Y	N	Apr. 1999	\$12.83 (Jan 2016)	§ Sec. 4.20: The wage rate is equal to 110% of the federal poverty level for a family of four.	<a href="http://www.cityofmadison.com/finance/wage/factsheet.cfm">http://www.cityofmadison.com/finance/wage/factsheet.cfm</a>
Norman, OK	118,046	N	N	N	N/A	N/A	N/A	
Palo Alto, CA	66,968	Y	Y + Public works SB 854	Y	2015	\$11.00 (will increase Jan 2016)	The minimum wage shall be an hourly rate of \$11.00. To prevent inflation from eroding its value, beginning on January 1, 2016, and each year thereafter, the minimum wage shall increase by an amount corresponding to the prior year's increase, if any, in the cost of living. Prior year cost of living measured through Consumer Price Index (Urban Wage Earners and Clerical Workers, U.S. City Average for All Items) or its successor index as published by the U.S. Dept. of Labor.	Email from City Clerk's office. Document is in same folder in S drive.
Provo, UT	114,807	N	N	N	N/A	N/A	N/A	
Santa Barbara, CA	91,208	N	Y	N	2006	\$16.70/\$14.32	§ 9.128 010(b) - Mandatory Minimum Local Wage. A wage payment at an hourly rate of Fourteen Dollars (\$14.00) per hour, which wage amount shall be adjusted upward annually each July 1st, beginning in 2006, by an amount corresponding to the previous year's change (January to January) in the Consumer Price Index for Urban Wage Earners and Clerical Workers 1967-100 for Los Angeles-Riverside-Orange County, California, provided that no such annual adjustment may exceed the amount of six percent (6%).	
Santa Cruz, CA	61,245	N	Y	N	Oct. 2000	\$15.39/\$16.78	§ 5.10.040(4) Prescription of Minimum Living Wage. At a minimum, the prescribed living wages shall be upwardly indexed each year by an amount which corresponds to the cost of living increase as measured by the San Francisco-Oakland-San Jose area Consumer Price Index for urban wage earners and clerical workers. The annual adjustment shall be with reference to the CPI for the twelve-month period ending on October thirty-first.	<a href="http://www.cityofsantacruz.com/departments/finance/purchasing/division/living-wage">http://www.cityofsantacruz.com/departments/finance/purchasing/division/living-wage</a> <a href="http://www.codepublishing.com/CA/SantaCruz/25antaCruz05/SantaCruz0510.html">http://www.codepublishing.com/CA/SantaCruz/25antaCruz05/SantaCruz0510.html</a>
Tempe, AZ	172,836	N	N	N	N/A	N/A	N/A	
Denver	663,862	N	Y	N	Feb. 2006	\$11.66	Section 20-80 c.2 The "living wage" shall equal the amount set forth as the federal poverty guideline for the 48 contiguous states and the District of Columbia for a family unit of four, divided by the number 2080.	<a href="https://www.denvergov.org/Portals/743/documents/20-PW-General-Living-Wage-Ordinance.pdf">https://www.denvergov.org/Portals/743/documents/20-PW-General-Living-Wage-Ordinance.pdf</a>
Longmont	90,189	N	N	N	N/A	N/A		

*C.R.S. 8-6-101*

COLORADO REVISED STATUTES

\* This document reflects changes current through all laws passed at the Second Regular Session of the Sixty-Ninth General Assembly of the State of Colorado (2014) and changes approved by the electorate at the November 2014 election \*

TITLE 8. LABOR AND INDUSTRY  
LABOR I - DEPARTMENT OF LABOR AND EMPLOYMENT  
ARTICLE 6. MINIMUM WAGES OF WORKERS

C.R.S. 8-6-101 (2014)

**8-6-101.** Legislative declaration - minimum wage of workers - matter of statewide concern - prohibition on local minimum wage enactments

(1) The welfare of the state of Colorado demands that workers be protected from conditions of labor that have a pernicious effect on their health and morals, and it is therefore declared, in the exercise of the police and sovereign power of the state of Colorado, that inadequate wages and unsanitary conditions of labor exert such pernicious effect.

(2) The general assembly hereby finds and determines that issues related to the wages of workers in Colorado have important statewide ramifications for the labor force in this state. The general assembly, therefore, declares that the minimum wages of workers in this state are a matter of statewide concern.

(3) (a) No unit of local government, whether by acting through its governing body or an initiative, a referendum, or any other process, shall enact any jurisdiction-wide laws with respect to minimum wages; except that a unit of local government may set minimum wages paid to its own employees.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (3), any local government regulation or law pertaining to minimum wages in effect as of January 1, 1999, shall remain in full force and effect until such law is repealed by the local government entity that enacted the law.

(c) If it is determined by the officer or agency responsible for distributing federal moneys to a local government that compliance with this subsection (3) may cause denial of federal moneys that would otherwise be available or would otherwise be inconsistent with requirements of

federal law, this section shall be suspended, but only to the extent necessary to prevent denial of the moneys or to eliminate the inconsistency with federal requirements.

**HISTORY:** Source: L. 17: p. 380, § 1.C.L. § 4262.CSA: C. 97, § 236.CRS 53: § 80-9-1. C.R.S. 1963: § 80-7-1.L. 77: Entire section amended, p. 428, § 2, effective July 1.L. 99: Entire section amended, p. 289, § 2, effective April 14.

Law reviews: For article, "An Overview of Federal and State Wage-Hour Laws -- Part I", which discusses the federal wage-hour laws, see 14 Colo. Law. 384 (1985).

#### ANNOTATION

Law reviews. For note, "Colorado Wage and Hour Law: Analysis and Some Suggestions", see 36 U. Colo. L. Rev. 223 (1964). For article, "The Migrant Farm Worker in Colorado -- The Life and the Law", see 40 U. Colo. L. Rev. 45 (1967).

This article, as a prerequisite to its operation, contemplates the relationship of employer and employee, and where that relationship does not exist, a minimum wage order is null and void. *Indus. Comm'n v. Am. Beauty Coll., Inc.*, 167 Colo. 269, 447 P.2d 531 (1968).

**AMENDED RESOLUTION NO. 926**

**A RESOLUTION COMMITTING THE CITY OF BOULDER TO PAY A "LIVING WAGE" TO ITS STANDARD FULL-TIME, PART-TIME AND TEMPORARY EMPLOYEES**

**WHEREAS**, on July 15, 2003, the City Council of the City of Boulder adopted Resolution 926, a Resolution Committing the City of Boulder to Pay a "Living Wage" to its standard full-time employees, defined as 120% of the current Federal Poverty Guidelines for a Family of Four as adopted by the United States Department of Health and Human Services; and

**WHEREAS**, since the adoption of Resolution 926, the wage paid to all standard full-time employees of the City has been adjusted to remain at no less than 120% of the Federal Poverty Guidelines, which in 2015 is \$13.99 per hour; and

**WHEREAS**, after hearing that in 2015, 30 of the City's 127 standard part-time employees and 29 of the City's 122 temporary employees are paid less than \$13.99 per hour the City Manager has determined that the scope of Resolution 926 be expanded to include all standard part-time and temporary City of Boulder Employees and adjusted from year to year thereafter based upon changes to the Federal Poverty Guidelines for a Family of Four; and

**WHEREAS**, the City Council, being committed to pay the "living wage" as above-described to all standard full-time, part-time and temporary employees of the City in order to provide a wage adequate to care for a family of four, supports the City Manager's action; and

**WHEREAS**, the City of Boulder will continue to analyze extending the same consideration to seasonal employees and City contractor employees, who are typically paid at a lower rate.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:**

That the City Council supports the City Manager expansion of Resolution 926 to include all standard part-time and temporary City Employees. The City Manager shall report annually to the City Council at the time of the adoption of the annual budget whether there is any standard full-time, part-time or temporary employee of the City of Boulder who is being paid less than the living wage, based on 120% of the updated Federal Poverty Guidelines as set forth above, shall recommend whatever additional appropriations are necessary to assure that all standard full-time, part-time and temporary employees of the City of Boulder are paid such "living wage," and shall continue to analyze extending the same consideration to seasonal employees and City contractor employees.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Attachment E: List of Standard Part time and Temporary Positions through September 2015

Standard, Part-time	Pos Title	Department	Pay Grade	Last Pay Date	FTE	Actual Hrly
	Lot Attendant	CP&S/DUHMD/Parking Svcs	BMEAA	27-Sep-2015	0.50	\$11.91
	Lot Attendant	CP&S/DUHMD/Parking Svcs	BMEAA	27-Sep-2015	0.50	\$12.00
	Lot Attendant	CP&S/DUHMD/Parking Svcs	BMEAA	27-Sep-2015	0.50	\$12.00
	Lot Attendant	CP&S/DUHMD/Parking Svcs	BMEAA	27-Sep-2015	0.73	\$12.00
	Library Shelving Aide I	Library/Boulder Public Library	BMEAA	27-Sep-2015	0.25	\$12.07
	Lot Attendant	CP&S/DUHMD/Parking Svcs	BMEAA	27-Sep-2015	0.50	\$12.48
	Lot Attendant	CP&S/DUHMD/Parking Svcs	BMEAA	27-Sep-2015	0.50	\$12.88
	Library Materials Handler	Library/Reynolds Library	BMEAA	27-Sep-2015	0.25	\$12.90
	Library Materials Handler	Library/Boulder Public Library	BMEAA	27-Sep-2015	0.50	\$12.90
	Library Materials Handler	Library/Boulder Public Library	BMEAA	27-Sep-2015	0.50	\$12.90
	Library Materials Handler (Main)	Library/Boulder Public Library	BMEAA	27-Sep-2015	0.50	\$12.90
	Library Materials Handler I	Library/Reynolds Library	BMEAA	27-Sep-2015	0.50	\$12.90
	Library Materials Handler	Library/Boulder Public Library	BMEAA	27-Sep-2015	0.50	\$12.90
	Library Shelving Aide I	Library/Boulder Public Library	BMEAA	27-Sep-2015	0.50	\$13.00
	Customer Service Team Member II	Parks&Rec/Rec/Athletics	BMEAB	27-Sep-2015	0.50	\$13.09
	Customer Service Team Member II	Parks&Rec/Rec/Athletics	BMEAB	27-Sep-2015	0.50	\$13.10
	Customer Service Team Member II	Parks&Rec/Rec/EBCC & Programs	BMEAB	27-Sep-2015	0.50	\$13.10
	Customer Service Team Member II	Parks&Rec/Rec/EBCC & Programs	BMEAB	27-Sep-2015	0.50	\$13.10
	Customer Service Team Member II	Parks&Rec/Rec/EBCC & Programs	BMEAB	27-Sep-2015	0.50	\$13.10
	Customer Service Team Member II	Parks&Rec/Rec/NBRC & Programs	BMEAB	27-Sep-2015	0.50	\$13.29
	Customer Service Team Member II	Parks&Rec/Rec/SBRC & Programs	BMEAB	27-Sep-2015	0.50	\$13.29
	Library Shelving Aide I	Library/Boulder Public Library	BMEAA	27-Sep-2015	0.50	\$13.33
	Lot Attendant	CP&S/DUHMD/Parking Svcs	BMEAA	27-Sep-2015	0.63	\$13.39
	Customer Service Team Member II	Parks&Rec/Rec/EBCC & Programs	BMEAB	27-Sep-2015	0.50	\$13.56
	Customer Service Team Member II	Parks&Rec/Rec/EBCC & Programs	BMEAB	27-Sep-2015	0.50	\$13.56
	Customer Service Team Member II	Parks&Rec/Rec/EBCC & Programs	BMEAB	27-Sep-2015	0.50	\$13.64
	Customer Service Team Member II	Parks&Rec/Rec/EBCC & Programs	BMEAB	27-Sep-2015	0.50	\$13.64
	Lot Attendant	CP&S/DUHMD/Parking Svcs	BMEAA	27-Sep-2015	0.63	\$13.67
	Library Shelving Aide I	Library/Boulder Public Library	BMEAA	27-Sep-2015	0.50	\$13.67
	Library Shelving Aide I	Library/Boulder Public Library	BMEAA	27-Sep-2015	0.75	\$13.68
	Library Shelving Aide I	Library/Boulder Public Library	BMEAA	27-Sep-2015	0.50	\$13.78
						Pay Difference x FTE= \$29,824.91

Attachment E: List of Standard Part time and Temporary Positions through September 2015

Temporary

Library Shelving Aide I Substitute	Library/Boulder Public Library	TEMP01	13-Sep-2015	0.38	9.8400	\$4.15	\$3,237.00
Temporary Bus Driver	HHS/Senior Services	TEMP02	13-Sep-2015	0.50	10.1500	\$3.84	\$3,993.60
Library Youth Services Specialist	Library/Boulder Public Library	TEMPE	13-Sep-2015	0.48	12.5400	\$1.45	\$1,432.60
Temporary Information Services Substitute	Library/Carnegie Library	TEMP03	13-Sep-2015	0.25	13.0800	\$0.91	\$473.20
Temporary Information Services Substitute	Library/Boulder Public Library	TEMP03	13-Sep-2015	0.00	13.0800	\$0.91	\$0.00
Temporary Library Shelving Aide I	Library/Boulder Public Library	TEMP01	27-Sep-2015	0.50	8.2300	\$5.76	\$5,990.40
Library Shelving Aide I Substitute	Library/Boulder Public Library	TEMP01	27-Sep-2015	0.75	8.2300	\$5.76	\$8,985.60
Learning & Organizational Development In	Human Resources	TEMP04	27-Sep-2015	0.48	8.2300	\$5.76	\$5,690.88
Temporary Watershed Crew Leader	PWks/Util/Water Resources	TEMP01	27-Sep-2015	1.00	8.5000	\$5.49	\$11,419.20
Temporary G I S Technician	PWks/Util/Engineering	TEMP01	27-Sep-2015	0.50	9.0000	\$4.99	\$5,189.60
Temporary Library Shelver	Library/Boulder Public Library	TEMP01	27-Sep-2015	0.25	9.0045	\$4.99	\$2,592.46
Library Materials Handler Substitute	Library/Boulder Public Library	TEMP01	27-Sep-2015	0.48	9.0200	\$4.97	\$4,910.36
Information Services Substitute	Library/Boulder Public Library	TEMP01	27-Sep-2015	1.00	10.9000	\$3.09	\$6,427.20
Information Services Substitute	Library/Boulder Public Library	TEMP01	27-Sep-2015	1.00	10.9000	\$3.09	\$6,427.20
Temporary Facility Operations Rep	HHS/Senior Services	TEMP03	27-Sep-2015	1.00	11.0000	\$2.99	\$6,219.20
Temporary Information Services Substitute	Library/Boulder Public Library	TEMP03	27-Sep-2015	0.50	11.9000	\$2.09	\$2,173.60
Economic Vitality Intern	CP&S/Office of the Executive Director	TEMP02	27-Sep-2015	0.50	12.0000	\$1.99	\$2,069.60
Water Resource Intern	PWks/Util/Water Quality	TEMP02	27-Sep-2015	0.25	12.0000	\$1.99	\$1,034.80
Technical Support Analyst - Intern	Information Technology	TEMP04	27-Sep-2015	0.50	12.0000	\$1.99	\$2,069.60
Web Manager Intern	Information Technology	TEMP04	27-Sep-2015	0.50	12.0000	\$1.99	\$2,069.60
Temporary Bus Driver	HHS/Senior Services	TEMP02	27-Sep-2015	0.50	12.1500	\$1.84	\$1,913.60
Temporary Information Services Substitute	Library/Boulder Public Library	TEMP03	27-Sep-2015	0.50	12.7500	\$1.24	\$1,289.60
Temporary Greenways Habitat Maintenance	PWks/Transp/Strts & Bikeways Maint.	TEMP04	27-Sep-2015	1.00	13.0000	\$0.99	\$2,059.20
Temporary Information Services Substitute	Library/Boulder Public Library	TEMP03	27-Sep-2015	0.25	13.0800	\$0.91	\$473.20
Temporary Information Services Substitute	Library/Boulder Public Library	TEMP03	27-Sep-2015	0.75	13.0800	\$0.91	\$1,419.60
Temporary Information Services Substitute	Library/Boulder Public Library	TEMP03	27-Sep-2015	0.75	13.0800	\$0.91	\$1,419.60
Temporary Information Services Substitute	Library/Boulder Public Library	TEMP03	27-Sep-2015	0.50	13.2600	\$0.73	\$759.20
Temporary Information Services Substitute	Library/Boulder Public Library	TEMP03	27-Sep-2015	0.50	13.2600	\$0.73	\$759.20
Temporary Greenways Habitat Maintenance	PWks/Transp/Strts & Bikeways Maint.	TEMP04	27-Sep-2015	1.00	13.5000	\$0.49	\$1,019.20
						Pay difference x FTE=	\$93,518.10

**Attachment F: List of Seasonal Positons**

Grade	Pos Title	Actual Hrly
SEASONAL	Adult Kickball Official	15.0000
SEASONAL	Adult Kickball Official	17.0000
SEASONAL	Adult Kickball Official	15.0000
SEASONAL	Adult Kickball Official	15.0000
SEASONAL	Adult Kickball Official	15.0000
SEASONAL	Adult Kickball Official	15.0000
SEASONAL	Adult Kickball Official	15.0000
SEASONAL	Adult Kickball Official	15.0000
SEASONAL	Aquatics Fitness Instructor	16.0000
SEASONAL	Aquatics Fitness Instructor	16.0000
SEASONAL	Aquatics Manager	11.5000
SEASONAL	Aquatics Manager	11.5000
SEASONAL	Art Instructor	16.0000
SEASONAL	Art Instructor	20.0000
SEASONAL	Art Instructor	20.0000
SEASONAL	Assistant Camp Director	11.0000
SEASONAL	Assistant Program Leader	9.5000
SEASONAL	Assistant Swim Team Coach	10.7500
SEASONAL	Athletic Field Maintenance Person	11.0000
SEASONAL	Athletic Field Maintenance Person	12.0000
SEASONAL	Athletic Field Maintenance Person	12.0000
SEASONAL	Athletic Field Maintenance Person	14.0000
SEASONAL	Athletic Field Maintenance Person	11.0000
SEASONAL	Athletic Field Maintenance Person	12.0000
SEASONAL	Athletic Field Maintenance Person	14.0000
SEASONAL	Basketball Official	18.0000
SEASONAL	Boat Inspector	10.0000
SEASONAL	Boat Inspector	9.0000
SEASONAL	Boat Inspector	9.2500
SEASONAL	Boat Inspector	9.5000
SEASONAL	Boat Inspector	9.5000
SEASONAL	Camp Counselor	12.0000
SEASONAL	Camp Director	13.0000
SEASONAL	Camp Director (Outdoor Adventure EXPAND)	13.0000
SEASONAL	Camp Instructor - Reservoir	8.2500
SEASONAL	Camp Instructor - Reservoir	8.2500
SEASONAL	Camp Instructor - Reservoir	8.5000
SEASONAL	Camp Instructor - Reservoir	9.5000
SEASONAL	Camp Instructor (Sports)	10.0000
SEASONAL	Camp Leader (Outdoor Adventure EXPAND)	11.0000
SEASONAL	Camp Leader (Leisure Links)	11.0000
SEASONAL	Camp Leader (Outdoor Adventure EXPAND)	11.0000
SEASONAL	Camp Leader (Outdoor Adventure EXPAND)	10.0000
SEASONAL	Camp Leader (Outdoor Adventure EXPAND)	11.0000
SEASONAL	Camp Leader (Outdoor Adventure EXPAND)	11.0000
SEASONAL	Camp Leader Outdoor Adventure-EXPAND	11.0000
SEASONAL	Cashier	9.0000
SEASONAL	Cashier	9.0000
SEASONAL	Cashier	9.0000
SEASONAL	Cashier	18.0962
SEASONAL	Cashier	9.0000

**Attachment F: List of Seasonal Positons**

SEASONAL	Cashier	9.5000
SEASONAL	Cashier	9.0000
SEASONAL	Cashier	9.0000
SEASONAL	Cashier	10.0000
SEASONAL	Cashier	8.2500
SEASONAL	Cashier	8.5000
SEASONAL	Cashier	9.0000
SEASONAL	Cashier	9.2500
SEASONAL	Cashier	18.0000
SEASONAL	Child Care Attendant	9.5000
SEASONAL	Child Care Attendant	9.0000
SEASONAL	Child Care Attendant	9.5000
SEASONAL	Child Care Attendant	9.5000
SEASONAL	Child Care Attendant	9.5000
SEASONAL	Child Care Attendant	9.5000
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SEASONAL	Child Care Attendant	9.5000
SEASONAL	Child Care Attendant	9.5000
SEASONAL	Child Care Attendant	9.5000
SEASONAL	Child Care Attendant	11.0000
SEASONAL	Civic Area Ambassador	12.0000
SEASONAL	Dog Regulation Education Coordinator	18.0000
SEASONAL	Dog Regulation Education Coordinator	18.0000
SEASONAL	Dog Regulation Education Coordinator	20.0000
SEASONAL	Ecological Restoration Crew Leader	18.0000
SEASONAL	Ecological Restoration Technician	14.0000
SEASONAL	Ecological Restoration Technician	14.0000
SEASONAL	Ecological Restoration Technician	15.0000
SEASONAL	Education & Outreach Coordinator	28.1100

**Attachment F: List of Seasonal Positions**

SEASONAL	Education & Outreach Specialist	16.0000
SEASONAL	Education & Outreach Specialist	14.0000
SEASONAL	Education & Outreach Specialist	15.0000
SEASONAL	Education & Outreach Specialist	16.0000
SEASONAL	Education & Outreach Specialist	16.0000
SEASONAL	Education & Outreach Specialist	16.0000
SEASONAL	Education & Outreach Specialist	16.0000
SEASONAL	Education & Outreach Specialist	16.0000
SEASONAL	Education & Outreach Specialist	16.0000
SEASONAL	Education & Outreach Specialist	16.0000
SEASONAL	Education and Outreach Coordinator	13.0000
SEASONAL	Education and Outreach Coordinator	16.0000
SEASONAL	Environmental Education Specialist	16.0000
SEASONAL	Expand Camp Leader	10.0000
SEASONAL	Field Supervisor	10.0000
SEASONAL	Fitness Instructor	27.0000
SEASONAL	Fitness Instructor	17.0000
SEASONAL	Fitness Instructor	20.0000
SEASONAL	Fitness Instructor	20.0000
SEASONAL	Fitness Instructor	21.0000
SEASONAL	Fitness Instructor	21.5600
SEASONAL	Fitness Instructor	22.5000
SEASONAL	Fitness Instructor	25.0000
SEASONAL	Fitness Instructor	26.0000
SEASONAL	Fitness Instructor	26.0000
SEASONAL	Fitness Instructor	26.6300
SEASONAL	Fitness Instructor	27.0000
SEASONAL	Fitness Instructor - Senior Services	18.0000
SEASONAL	Fitness Instructor - Senior Services	18.0000
SEASONAL	Fitness Instructor - Senior Services	18.0000
SEASONAL	Fitness Instructor - Senior Services	19.0000
SEASONAL	Fitness Instructor - Senior Services	20.0000
SEASONAL	Fitness Instructor - Senior Services	20.0000
SEASONAL	Fitness Instructor - Senior Services	20.0000
SEASONAL	Fitness Instructor - Senior Services	20.0000
SEASONAL	Fitness Instructor - Senior Services	22.0000
SEASONAL	Fitness Instructor and/or Personal Trainer	20.0000
SEASONAL	Fitness Instructor and/or Personal Trainer	20.0000
SEASONAL	Fitness Instructor and/or Personal Trainer	25.0000
SEASONAL	Fitness Instructor and/or Personal Trainer	20.0000
SEASONAL	Fitness Instructor-Senior Services/Silver Sneakers	21.0000
SEASONAL	Forest Restoration Crew Leader	18.0000
SEASONAL	Forest Restoration Crew Leader	19.0000
SEASONAL	Forest Restoration Crew Leader	19.0000
SEASONAL	Forest Restoration Crew Member	15.5000
SEASONAL	Forest Restoration Crew Member	15.5000
SEASONAL	Forest Restoration Crew Member	15.5000
SEASONAL	Forest Restoration Crew Member	14.0000
SEASONAL	Forest Restoration Crew Member	14.0000
SEASONAL	Forest Restoration Crew Member	15.0000
SEASONAL	Forest Restoration Crew Member	15.0000



**Attachment F: List of Seasonal Positons**

SEASONAL	Gymnastics Instructor	10.0000
SEASONAL	Gymnastics Instructor	11.0000
SEASONAL	Gymnastics Instructor	11.0000
SEASONAL	Gymnastics Instructor	11.0000
SEASONAL	Gymnastics Instructor	12.0000
SEASONAL	Gymnastics Instructor	14.0000
SEASONAL	Gymnastics Instructor	15.5000
SEASONAL	Gymnastics Instructor	16.0000
SEASONAL	Gymnastics Instructor	18.0000
SEASONAL	Gymnastics Instructor	18.0000
SEASONAL	Gymnastics Instructor	18.0000
SEASONAL	Gymnastics Instructor	10.0000
SEASONAL	Gymnastics Instructor	10.0000
SEASONAL	Gymnastics Specialist	14.0000
SEASONAL	Gymnastics Specialist	10.0000
SEASONAL	Gymnastics Specialist	16.0000
SEASONAL	Gymnastics Specialist	15.0000
SEASONAL	Horticulture Maintenance	14.0000
SEASONAL	Integrated Pest Management and Conservation Technician	13.5000
SEASONAL	IPM and Conservation Technician	14.0000
SEASONAL	IPM and Conservation Technician	13.5000
SEASONAL	IPM and Conservation Technician	14.0000
SEASONAL	IPM Crew II	13.8500
SEASONAL	IPM Crew II	13.8500
SEASONAL	IPM Crew II	13.8500
SEASONAL	IPM Crew II	14.2500
SEASONAL	IPM Crew II	14.2500
SEASONAL	IPM Crew II	14.5000
SEASONAL	IPM Crew Leader	15.7500



**Attachment F: List of Seasonal Positons**

SEASONAL	Lifeguard	9.2500
SEASONAL	Lifeguard	9.5000
SEASONAL	Lifeguard	9.7500
SEASONAL	Lifeguard	10.5000
SEASONAL	Lifeguard-Reservoir	8.2300
SEASONAL	Lifeguard-Reservoir	8.7500
SEASONAL	Lifeguard-Reservoir	8.3500
SEASONAL	Lifeguard-Reservoir	8.5000
SEASONAL	Lifeguard-Reservoir	8.5000
SEASONAL	Master Instructor	25.0000
SEASONAL	Master Instructor	25.0000
SEASONAL	Master Instructor	25.0000
SEASONAL	Master Instructor	26.0000
SEASONAL	Natural Lands - Invasive Plant Species Management Leader	15.7500
SEASONAL	Natural Resource Specialist	17.5000
SEASONAL	NIA Instructor	21.0000
SEASONAL	NIA Instructor	23.0000
SEASONAL	NIA Instructor	23.1000
SEASONAL	NIA Instructor	25.0000
SEASONAL	NIA Instructor	30.0000
SEASONAL	Outdoor Adventure Camp Leader	11.0000
SEASONAL	Park Host	10.0000
SEASONAL	Park Host	11.0000
SEASONAL	Park Host	11.5000
SEASONAL	Personal Trainer	20.0000
SEASONAL	Personal Trainer	25.0000
SEASONAL	Physical Therapist	35.0000
SEASONAL	Physical Therapist	35.0000
SEASONAL	Pilates Instructor	23.0000
SEASONAL	Pilates Instructor	23.2500
SEASONAL	Pilates Instructor	23.2500
SEASONAL	Pilates Instructor	23.2500



**Attachment F: List of Seasonal Positons**

SEASONAL	Pools Lifeguard	9.5000
SEASONAL	Pools Lifeguard	9.5000
SEASONAL	Pools Lifeguard	9.7500
SEASONAL	Pools Lifeguard	9.7500
SEASONAL	Pools Lifeguard	10.0000
SEASONAL	Pools Lifeguard	10.0000
SEASONAL	Pools Lifeguard	9.2500
SEASONAL	Pools Lifeguard	9.5000
SEASONAL	Pools Lifeguard	9.5000
SEASONAL	Pools Lifeguard	9.7500
SEASONAL	Program Instructor	20.0000
SEASONAL	Recreation Cashier	9.0000
SEASONAL	Recreation Cashier	9.0000
SEASONAL	Recreation Cashier	9.0000
SEASONAL	Recreation Cashier	9.5000
SEASONAL	Recreation Cashier	9.0000
SEASONAL	Recreation Cashier	9.5000
SEASONAL	Recreation Cashier	8.5000
SEASONAL	Recreation Cashier	9.0000
SEASONAL	Recreation Cashier	9.5000
SEASONAL	Recreation Cashier	10.0000
SEASONAL	Recreation Cashier	10.0000
SEASONAL	Recreation Cashier	15.0000
SEASONAL	Recreation Cashier	9.0000
SEASONAL	Recreation Leader	10.0000
SEASONAL	Recreation Specialist	20.0000
SEASONAL	Reservoir Cashier	9.0000
SEASONAL	Reservoir Cashier	9.2500
SEASONAL	Reservoir Lake Patrol	11.0000
SEASONAL	Reservoir Lake Patrol	11.0000
SEASONAL	Reservoir Lake Patrol	9.2500
SEASONAL	Reservoir Lake Patrol	9.0000
SEASONAL	Reservoir Lake Patrol	9.0000
SEASONAL	Reservoir Lake Patrol	9.0000
SEASONAL	Reservoir Lake Patrol	12.0000
SEASONAL	Reservoir Lifeguard	11.0000
SEASONAL	Reservoir Lifeguard	8.5000
SEASONAL	Reservoir Lifeguard	8.2300
SEASONAL	Reservoir Lifeguard	8.5000
SEASONAL	Reservoir Maintenance	9.0000
SEASONAL	Reservoir Maintenance	8.5000

**Attachment F: List of Seasonal Positions**

SEASONAL	Reservoir Operations Crew	10.0000
SEASONAL	Reservoir Operations Crew	10.0000
SEASONAL	Reservoir Operations Crew	9.0000
SEASONAL	Reservoir Operations Crew	9.0000
SEASONAL	Reservoir Operations Crew	9.5000
SEASONAL	Reservoir Operations Crew	10.0000
SEASONAL	Reservoir Operations Crew	10.0000
SEASONAL	Reservoir Operations Crew	10.0000
SEASONAL	Reservoir Operations Crew	11.0000
SEASONAL	Reservoir Operations Crew	11.0000
SEASONAL	Reservoir Park Host	9.0000
SEASONAL	Reservoir Park Host	9.2500
SEASONAL	Reservoir Park Host	9.5000
SEASONAL	Reservoir Park Host	10.0000
SEASONAL	Reservoir Sailing Instructor	11.0000
SEASONAL	Reservoir Watersports Camp Instructor	9.0000
SEASONAL	Resource Specialist (Wildlife Technician I)	14.5000
SEASONAL	Resource Specialist (Wildlife Technician I)	14.5000
SEASONAL	Resource Specialist (Wildlife Technician I)	15.0000
SEASONAL	Resource Specialist (Wildlife Technician I)	15.0000
SEASONAL	Scorekeeper	10.0000
SEASONAL	Seasonal Education and Outreach Coordinator	14.5000
SEASONAL	Seasonal Education and Outreach Specialist	16.0000
SEASONAL	Seasonal Education Outreach Coordinator	16.0000
TEMP03	Seasonal Education Outreach Coordinator	15.0000
SEASONAL	Seasonal Education Outreach Coordinator	16.0000
SEASONAL	Seasonal Nia Instructor	21.0000
SEASONAL	Seasonal Sign Technician	15.5000
TEMPN	Senior Engineering Technician	57.0000
SEASONAL	Senior Services Fitness Instructor	20.0000
SEASONAL	Senior Services Fitness Instructor	19.0000
SEASONAL	Soccer Facility Supervisor	10.0000
SEASONAL	Soccer Facility Supervisor	10.0000
SEASONAL	Soccer Facility Supervisor	10.0000
SEASONAL	Soccer Facility Supervisor	10.0000
SEASONAL	Soccer Facility Supervisor	10.0000
SEASONAL	Soccer Facility Supervisor	10.0000
SEASONAL	Soccer Facility Supervisor	10.0000
SEASONAL	Soccer Facility Supervisor	10.0000
SEASONAL	Softball Facility Supervisor	11.5000
SEASONAL	Softball Field Supervisor	11.0000
SEASONAL	Softball Field Supervisor	12.0000
SEASONAL	Softball Official	18.0000
SEASONAL	Sports Official	15.0000
SEASONAL	Sports Official	15.0000
SEASONAL	Sports Official	15.0000
SEASONAL	Sports Official	20.0000
SEASONAL	Sports Official - Adult Volleyball	15.0000
SEASONAL	Sports Seasonal	10.0000
SEASONAL	Sports Seasonal	10.0000
SEASONAL	Substitute Camp Staff	10.0000
SEASONAL	Summer Camp Counselor	9.5000

**Attachment F: List of Seasonal Positons**

SEASONAL	Summer Camp Counselor	10.0000
SEASONAL	Summer Camp Counselor	10.0000
SEASONAL	Summer Camp Program Aide	8.5000
SEASONAL	Summer Camp Program Aide	9.0000
SEASONAL	Summer Camp Program Aide	9.0000
SEASONAL	Summer Camp Program Aide	9.0000
SEASONAL	Summer Camp Program Aide	9.2500
SEASONAL	Summer Camp Program Aide	9.5000
SEASONAL	Summer Camp Program Aide	9.5000
SEASONAL	Summer Camp Program Aide	9.5000
SEASONAL	Summer Camp Program Aide	9.5000
SEASONAL	Summer Camp Program Aide	9.5000
SEASONAL	Summer Camp Program Aide	9.5000
SEASONAL	Summer Camp Program Aide	9.5000
SEASONAL	Summer Camp Program Aide	10.0000
SEASONAL	Summer Camp Program Aide	10.0000
SEASONAL	Summer Camp Program Aide	10.0000
SEASONAL	Summer Camp Program Aide	10.0000
SEASONAL	Summer Camp Program Aide	10.0000
SEASONAL	Summer Camp Program Aide	10.0000
SEASONAL	Summer Camp Program Leader	10.0000
SEASONAL	Summer Camp Program Leader	10.0000
SEASONAL	Summer Camp Program Leader	10.0000
SEASONAL	Summer Camp Program Leader	10.0000
SEASONAL	Summer Camp Program Leader	10.0000
SEASONAL	Summer Camp Program Leader	10.0000
SEASONAL	Summer Camp Program Leader	10.5000
TEMP07	Summer Camp Program Leader	11.0000
SEASONAL	Summer Camp Program Leader	13.0000
SEASONAL	Swim Instructor	10.0000
SEASONAL	Swim Instructor	9.5000
SEASONAL	Swim Instructor	11.0000
SEASONAL	Swim Instructor	10.0000
SEASONAL	Swim Instructor	10.2500
SEASONAL	Swim Instructor	10.5000
SEASONAL	Swim Instructor	15.0000
SEASONAL	Swim Instructor	9.2500
SEASONAL	Swim Instructor	9.2500
SEASONAL	Swim Instructor	9.7500
SEASONAL	Swim Instructor	9.7500
SEASONAL	Swim Instructor	9.7500
SEASONAL	Swim Instructor	10.0000
SEASONAL	Swim Instructor	10.0000
SEASONAL	Swim Instructor	10.2500
SEASONAL	Swim Instructor	10.2500
SEASONAL	Swim Instructor	10.5000
SEASONAL	Swiss Ball Instructor	23.2500
SEASONAL	Swiss Ball Instructor	25.0000
SEASONAL	Tai Chi Ch'uan Instructor	24.0000
SEASONAL	Tennis Camp Program Leader	10.0000
SEASONAL	Tennis Camp Program Leader	10.0000
SEASONAL	Tennis Instructor	10.0000

**Attachment F: List of Seasonal Positons**

SEASONAL	Therapeutic Instructor	11.0000
SEASONAL	Therapeutic Instructor	16.0000
SEASONAL	Therapeutic Leader	10.0000
SEASONAL	Therapeutic Program Coordinator	13.0000
SEASONAL	Therapeutic Recreation Program Coordinator	10.0000
SEASONAL	Therapeutic Recreation Program Leader	9.5000
SEASONAL	Therapeutic Recreation Program Leader	10.0000
SEASONAL	Therapeutic Recreation Program Leader	11.0000
SEASONAL	Therapeutic Recreation Program Leader	11.0000
SEASONAL	Therapeutic Recreation Program Leader	10.0000
SEASONAL	Therapeutic Recreation Program Leader	23.0000
SEASONAL	Therapeutic Recreation Program Leader	10.0000
SEASONAL	Therapeutic Recreation Program Leader	10.0000
SEASONAL	Therapeutic Recreation Program Leader	10.0000
SEASONAL	Therapeutic Recreation Program Leader	10.0000
SEASONAL	Therapeutic Recreation Program Leader	10.0000
SEASONAL	Therapeutic Recreation Program Leader	10.0000
SEASONAL	Therapeutic Recreation Program Leader	10.0000
SEASONAL	Therapeutic Recreation Program Leader	11.0000
SEASONAL	Therapeutic Recreation Program Leader	11.0000
SEASONAL	Trailhead Crew Member	14.2500
SEASONAL	Trailhead Maintenance Crew Member	14.0000
SEASONAL	Trailhead Maintenance Crew Member	15.0000
SEASONAL	Trails Crew Lead	17.0000
SEASONAL	Trails Crew Lead	17.0000
SEASONAL	Trails Crew Lead	17.5000
SEASONAL	Trails Crew Lead	17.5000
SEASONAL	Trails Crew Lead	17.7500
SEASONAL	Trails Crew Lead	17.7500
SEASONAL	Trails Crew Leader	17.7500
SEASONAL	Trails Crew Leader	18.0000
SEASONAL	Trails Crew Member	15.0000
SEASONAL	Trails Crew Member	15.2500
SEASONAL	Trails Crew Member	13.0000
SEASONAL	Trails Crew Member	13.0000
SEASONAL	Trails Crew Member	13.2500
SEASONAL	Trails Crew Member	13.2500
SEASONAL	Trails Crew Member	13.5000
SEASONAL	Trails Crew Member	13.5000
SEASONAL	Trails Crew Member	13.7500
SEASONAL	Trails Crew Member	13.7500
SEASONAL	Trails Crew Member	14.0000
SEASONAL	Trails Crew Member	14.2500
SEASONAL	Trails Crew Member	14.2500
SEASONAL	Trails Crew Member	14.2500
SEASONAL	Trails Crew Member	14.2500
SEASONAL	Trails Crew Member	14.5000
SEASONAL	Trails Crew Member	14.5000
SEASONAL	Trails Crew Member	14.7500
SEASONAL	Trails Crew Member	15.7500
SEASONAL	Trails Crew Member	16.0000

**Attachment F: List of Seasonal Positons**

SEASONAL	Trails Specialist	19.0000
SEASONAL	Urban Forestry Tech I	12.0000
SEASONAL	Urban Forestry Technician I	12.0000
SEASONAL	Urban Forestry Technician II	18.0000
SEASONAL	Urban Forestry Technician II	18.0000
SEASONAL	Urban Forestry Technician II	18.0000
SEASONAL	Urban Parks Laborer	12.5000
SEASONAL	Urban Parks Laborer	14.0000
SEASONAL	Urban Parks Laborer	10.7500
SEASONAL	Urban Parks Laborer	11.0000
SEASONAL	Urban Parks Laborer	11.5000
SEASONAL	Urban Parks Laborer	11.5000
SEASONAL	Urban Parks Laborer	11.5000
SEASONAL	Urban Parks Laborer	11.7500
SEASONAL	Urban Parks Laborer	12.0000
SEASONAL	Urban Parks Laborer	12.0000
SEASONAL	Urban Parks Laborer	12.0000
SEASONAL	Urban Parks Laborer	12.0000
SEASONAL	Urban Parks Laborer	12.0000
SEASONAL	Urban Parks Laborer	12.0000
SEASONAL	Urban Parks Laborer	12.0000
SEASONAL	Urban Parks Laborer	12.0000
SEASONAL	Urban Parks Laborer	12.5000
SEASONAL	Urban Parks Laborer	13.5000
SEASONAL	Urban Parks Laborer	14.0000
SEASONAL	Urban Parks Laborer	14.0000
SEASONAL	Urban Parks Laborer	14.0000
SEASONAL	Urban Parks Laborer	14.0000
SEASONAL	Urban Parks Laborer	14.0000
SEASONAL	Urban Parks Laborer	14.0000
SEASONAL	Urban Parks Laborer	12.5000
SEASONAL	Urban Parks Laborer - Valmont Park Crew	11.5000
SEASONAL	Urban Parks Laborer - Valmont Park Crew	11.5000
SEASONAL	Urban Parks Laborer - Valmont Park Crew	11.5000
SEASONAL	Urban Parks Laborer (South Zone)	13.0000
SEASONAL	Urban Parks Laborer-Valmont Park Crew	11.5000
SEASONAL	Volleyball Instructor	10.0000
SEASONAL	Volunteer Services Crew Leader	14.2500
SEASONAL	Water Fitness Instructor	18.0000
SEASONAL	Water Safety Team	11.0000
SEASONAL	Watersafety Team	8.7500
SEASONAL	Watersafety Team	9.0000
SEASONAL	Watersafety Team	9.5000
SEASONAL	Watersafety Team	9.5000
SEASONAL	Watersafety Team	10.0000
SEASONAL	Watersaftey Team	9.2500
SEASONAL	Watersports Camp Instructor	8.2500
SEASONAL	Weight Room Maintenance	18.0000
SEASONAL	Weight Room Maintenance	16.5000
SEASONAL	Wildlife Technician II	17.5000
SEASONAL	Yoga Instructor	21.0000

**Attachment F: List of Seasonal Positons**

SEASONAL	Yoga Instructor	21.0000
SEASONAL	Yoga Instructor	21.0000
SEASONAL	Yoga Instructor	24.5700
SEASONAL	Yoga Instructor	25.0000
SEASONAL	Yoga Instructor	28.5700
SEASONAL	Yoga Instructor	23.6300
SEASONAL	Yoga Instructor	20.0000
SEASONAL	Yoga Instructor	21.0000
SEASONAL	Yoga Instructor	21.0000
SEASONAL	Yoga Instructor	22.0000
SEASONAL	Yoga Instructor	22.0000
SEASONAL	Yoga Instructor	23.2500
SEASONAL	Yoga Instructor	23.6300
SEASONAL	Yoga Instructor	24.5700
SEASONAL	Yoga Instructor	30.0000
SEASONAL	Youth Recreation Program Assistant	9.5000
SEASONAL	Youth Recreation Program Leader	10.0000
SEASONAL	Youth Services Intern	9.5000
SEASONAL	Youth Volleyball Instructor	10.0000
SEASONAL	Youth Volleyball Instructor	10.0000
SEASONAL	Youth Volleyball Instructor	10.0000
SEASONAL	Youth Volleyball Instructor	10.0000
SEASONAL	YSI Program Assistant	9.5000
SEASONAL	YSI Program Assistant	9.5000
SEASONAL	YSI Program Assistant	9.0000
SEASONAL	YSI Program Assistant	9.0000
SEASONAL	YSI Program Assistant	9.5000

# CITY OF BOULDER, COLORADO

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## MEMORANDUM

TO: Whom it may concern

FROM: Joseph N. de Raismes, III, City Attorney

SUBJECT: Living Wage Options

DATE: June 17, 2003

At the outset, it needs to be understood that setting minimum wages has been declared to be a matter of exclusive statewide concern by Section 8-6-101, C.R.S.: **No Colorado “unit of local government” is permitted to set “jurisdiction-wide” wages for any persons other than its own employees**, pursuant to Paragraph 8-6-101(3)(a), C.R.S., except as required by federal law, such as the Davis-Bacon Act, 40 U.S.C. § 276(a) (which sets “prevailing wages” for federally funded projects). It seems that the Colorado preemption should be read to reach contractually set wages – otherwise, the exception for Davis-Bacon wages is meaningless. And since the Colorado Supreme Court decision in *Town of Telluride v. Lot 34 Venture*, 3 P.3d 30 (2000), the constitutionality of such a statutory preemption, while still subject to challenge, seems at great risk of being sustained as a species of “economic regulation,” which, under the principles announced in *Telluride*, is the preemptive prerogative of the Colorado General Assembly. *Id.*, 3 P.3d at 39.

Nonetheless, Denver enacted a limited contractual living wage commitment to every worker, mechanic, clerical support worker, or other laborer employed by any contractor or subcontractor pursuant to a direct service contract with the city, or any janitorial worker for any public building two years ago and continues to enforce it on the grounds that such a limited contractual regulation of minimum wages should not be considered to be “jurisdiction-wide,” even though it goes beyond the wages of Denver’s own employees. Based on personal recollection, though without a written record, and without checking the tapes in the state archives, the Colorado Municipal League agrees with Denver’s limiting construction of the statute. Thus, while some risk remains, the preemptive reach at the state statute appears to be very limited at this point. And in any event, notwithstanding the legal risk, the Boulder living wage advocacy group, led by Laurie Herndon, successfully advocated that the Human Relations Commission support development of a living wage ordinance for Boulder. Staff met in 2002-2003 with the advocacy group in order to determine its position on the various elements of the draft being presented. City staff then redrafted a living wage ordinance, with options, in order to reflect the questions that will have to be decided

if such an ordinance is to be considered by the Boulder City Council. This memorandum goes through those issues.

Staff used the ordinances of Boulder's peer cities with living wage ordinances as models: Madison, Ann Arbor, Berkeley and Santa Cruz. The draft living wage ordinance is attached as Exhibit A. The peer city analysis done by Steve Felten of the Finance Department is attached as Exhibit B. Although fundamentally modeling their proposal on Santa Cruz, the proponents had used the proposed (but not ultimately adopted) Bridgeport, Connecticut ordinance as an additional model. Thus, staff consulted it as well. This memorandum will go through the draft ordinance in order, discussing each policy issue in the context in which it appears. Each option is discussed on its merits.

One cautionary note is needed in evaluating these options. If Council should request an estimate of the fiscal impact on the City, it will be very difficult to give one. The potential impact would be dependent on many factors, including the types of vendors covered by the ordinance, the contractors' wage structures and the competitive environment for the specific goods or services in question. A study published by the University of California Institute of Labor and Employment takes a look at cost impacts and may provide some guidance as to possible price increases to the City, but Council and the public need to understand the enormous difficulties in determining a potential cost impact.

#### **SHOULD BOULDER CONSIDER A LIVING WAGE? WITH A SEPARATE RATE WITH BENEFITS? HOW MUCH? WHAT BENEFITS?**

Prior to dealing with the intricacies of a living wage ordinance, the City Council has three essential decisions to make, which dictate all the rest of the work. (1) **DECISION TO CONSIDER A LIVING WAGE.** First, of course, Council must decide whether or not it wishes to consider a living wage at all; what the objectives and drawbacks of such a policy decision are; and what the financial ramifications for the City budget may be. (2) **NECESSITY OF SETTING WAGE AMOUNT.** These decisions are so intimately entwined with the choice of a living wage amount that the decisions cannot be separated. Thus, simultaneously with any decision to adopt a living wage, Council needs to set the amount. (3) **AVOID SETTING BENEFITS, IF POSSIBLE.** Most cities have set an amount without benefits and then specified a benefit package and a lower amount when that package is offered. But at least one peer city, Madison, set only a single wage amount and left the benefit question up to individual employer decision. That is a reasonable compromise that Council should consider, if entities other than the City are ultimately covered by the ordinance, especially since benefit packages vary greatly among collective bargaining groups and among private employers. Indeed, the proponents' proposed leave structure conflicts with that of the City. Setting a benefit standard requires and assumes a degree of uniformity that does not exist and perhaps should not exist. (4) **METHODOLOGY.** Ultimately of course, the big question is how the wage rate should be determined. If Council resolves to go forward, staff recommends that the City use 120% of the federal poverty guidelines for a family of four as a standard. But do the standards for a family of four properly apply to a single person, especially an eighteen-year old? A minimum age could help to deal with this issue, but the issue of family size will remain, since the need is so different for a person with no dependents.

The Colorado Fiscal Policy Institute estimates a wage of \$23.68 an hour will bring an adult, infant and preschooler to "self-sufficiency" in Boulder (family of 3). Self-sufficiency is defined as needing no government subsidy. This is the only such study that City staff has been able to locate on this issue. (The Boulder County Civic League has done a study which determined a wage of \$10.69 per hour would constitute a comfortable middle class status for a single adult.)

**APPLY TO CITY EMPLOYEES? NONPROFITS? MANAGEMENT ONLY? FULL-TIME ONLY? HALF-TIME?**

Staff recommends **against** considering a living wage ordinance at this time. The many costs of enforcement, the additional out-of-pocket costs to the City in a time of cut-backs and lay-offs, the rigidity inherent in the regulation of City contractors and grantees, especially nonprofits, the inevitable interference with collective bargaining, especially if benefit standards are to be set, and the dilemma inherent in decreasing City services even further by pricing them higher collectively outweigh any gain in living standards. And the current economic climate in the City makes the proposal untimely, at the very least.

A particularly difficult question is posed by the proponents' attempt to apply the living wage to nonprofit organizations that contract with the City. On the one hand, if a living wage is deemed a "right" of employed people to help them approach self-sufficiency, surely those who work in nonprofit agencies should enjoy the same rights as those who work for the private, for-profit sector. On the other hand, the City's contracts with nonprofits are made in order to subsidize their work in providing needed human services in the community. This subsidy is necessary for many agencies to survive, even though wages are typically lower in this sector. If nonprofits were forced to pay higher wages, either staffing levels would need to be reduced (thus reducing services) or a greater subsidy would be required from the City to allow the agency to continue to operate at the same level of service. Clearly, given the current economic climate, additional subsidies are highly improbable, and will need to be reserved for needed increases in services, not for higher wages. City employees' wages are being frozen for the same reason. The GSI is being eliminated in the City Manager's recommendation for management and fire beginning in 2004, but the City Manager is recommending that merit increases be maintained. Obviously, Council has to make the final decision regarding city wages. And the fire union would have to agree to such a change for 2004 and BMEA and Police would have to for 2005. Thus, extension of the living wage to the nonprofit sector is likely to result in a reduction of services to the most needy, and that creates an agonizing policy dilemma.

If the decision is made to enact a living wage, Council may freely do so for City employees, as state law does not preempt Council's power to set the wages of City employees, and could not under the Colorado Constitution. See *City and County of Denver v. State*, 788 P.2d 764, 767, (Colo. 1990). The critical subsidiary question is whether the ordinance should include any employees other than full-time, standard employees. It seems hypocritical and untenable for the City to adopt a living wage ordinance and then not apply it to the City. On the other hand, most City employees are unionized (unlike most City contractors), and collective bargaining agreements would have to be exempted from the ordinance to avoid unconstitutional impairment of contracts, and a significant interference with future collective bargaining. Possibly for that reason, most living wage ordinances, including those of the peer cities, do not apply to municipal employees.

Nonunionized ("management") City employees are almost always compensated above the living wage, but there would otherwise be no objection to including them in the ordinance, should Council decide to pursue it. If so, and if benefits are covered as well as wages, staff suggests that either full-time or half-time be chosen as the threshold, but nothing in-between. Seasonal and temporary employees (including youth, work study and intern employees) whose jobs are so short that they do not qualify for union protections are yet another dilemma for which an exemption to the ordinance should be considered. The vast majority of seasonal jobs are summer jobs that are not positions of livelihood requiring wages above federal poverty guidelines for a family of four. By their very nature, temporary jobs are also not long-term positions of livelihood. Rather, wages for these jobs are tied to the competitive worth of the related job responsibilities in the local labor market. To pay a mandated living wage would mean paying an artificially inflated and fiscally irresponsible wage that places an unnecessary and unaffordable financial burden upon the City.

If the ordinance were to apply only to standard City management employees, there would be no financial impact to either full-time or part-time employees at the staff proposed \$10.62 per hour rate. Using the \$12.50 per hour rate suggested by the proponents, one part-time management employee would require a salary adjustment. While the financial impact of choosing to apply the living wage to City management employees is minimal, it becomes much greater if seasonal and temporary employees are covered, particularly since those jobs tend to be lower paid. An initial estimate indicated that including seasonal and temporary employees (including youth, work study and intern employees) could cost the City an additional \$1,160,000 annually using the proponents' \$12.50 per hour rate. Using the \$10.62 per hour rate, the annualized cost could be an additional \$370,000. **Unless Council decides to mandate higher wages for seasonal and temporary City employees, there is no need for an ordinance. Thus, staff recommends against considering an ordinance.**

#### **APPLY TO SERVICE CONTRACTORS?**

Another difficult question is whether or not to apply the living wage to "service contractors" of the City, however that may be defined. The following analysis addresses that question in more detail. But prior to getting to any further analysis, **Council must decide whether it wishes to impose its preferences with regard to wage levels on its contractors.** This could have a very substantial administrative cost, as well as a cost in the relationship between the City and its vendors and suppliers, and that cost must be weighed against the potential benefit. Differential wage rates between contractors' employees, only some of whom are covered by the ordinance, is another cost that is hard to administer and hard to quantify. Moreover, these costs need to be weighed not just in terms of full-time equivalents, but also in terms of enforcement actions and repercussions on the City's other transactions with its vendors and suppliers.

The potential for evasion of the living wage is great. Thus far, it appears that among Boulder's peer cities, only Santa Cruz has done any substantial monitoring of contractor compliance, at a cost of about \$75,000 per year.

And finally, it needs to be emphasized that Section 8-6-101, C.R.S. potentially preempts extension of the living wage beyond City employees. Contractual relationships were not recognized by the Supreme Court as an exception to the rent control prohibition at issue in the *Telluride* case, and the City may have

to mount a home-rule challenge to extend the living wage to service contractors, especially if it wishes to go beyond the limited classes covered by the Denver ordinance.

1. **GENERAL DEFINITION OF "SERVICE CONTRACT" 12-4-1, "Definitions", "Service Contract," Options A:**

**Initially, City staff responded to the living wage initiative by analyzing City employment practices and urging that any living wage be limited to the City's own employees. This response was based on the statute, the difficulties of administration inherent in making the ordinance applicable to third parties and the financial impact on the City of distorting competitive bidding and potentially paying higher prices for the services that it purchases. But the most difficult question was that of definition. The original "definition" submitted by the proponents (similar to the Ann Arbor ordinance), stated that contracts "primarily for services" would be covered, but gave no further definition of the term. It became clear in staff's discussion with the proponents that the term "primarily" is inappropriate and confusing. Similarly, the corresponding term "incidental" (proposed in Bridgeport) is entirely vague and ultimately meaningless. Berkeley and Madison do not have a test but simply refer to "service contracts," as though that term were clear enough without definition. Berkeley does not define service contract; Madison does, but without any specificity. On some level, all purchases include a service component. Thus, a new solution was necessary.**

More specificity can be obtained by setting a high threshold amount. If all service contracts are to be covered, this becomes a critical variable. From an administrative standpoint, using \$10,000.00 as a cutoff defines a large pool of vendors to be researched to determine which are considered service contractors. Based on 2001 expenditures, the City has approximately 600 for-profit vendors with expenditures of \$10,000.00 or more.

Using the cutoff of \$25,000.00 (the amount that Berkeley uses), would reduce the number of vendors to be researched to approximately 300. Using the competitive bidding threshold of \$50,000.00 would reduce the number of vendors to approximately 185. Due to the City's decentralized administration of contracts, this would be a hard ordinance to administer, no matter how structured. Limiting the ordinance's coverage to specific provider types would minimize that burden, but if a general definition of service contracts were to be used, staff would like to see a higher cutoff. And if any annual cutoff is used, a calendar year number would be much easier to administer than a twelve-month number. This concern occurs throughout the proponents' materials.

Thus, the first option would be to adopt a percentage threshold, so that the goods and services in each contract could be divided, and all contracts with a set percentage of services over a set contract amount threshold would be included in the living wage. Although somewhat mechanical, these tests both have the advantage of being straightforward. However, they also create an incentive to bundle services and goods in a way that creates a result, one way or the other. This problem is ever more pronounced in a twelve-month than in a calendar-year measure, which virtually requires retroactive wage adjustments. Thus, the test inherently lacks specificity. **Staff does not recommend any of these options.**

The proponents then dropped their original proposal and submitted a response to the staff listing of services subject to the living wage, discussed under Section 2 below. The proponents' new draft is closer to staff's recommended draft, but with twenty-five categories instead of eighteen. At a minimum, this proposal adds back all of the nonprofit categories of the Santa Cruz ordinance deleted by staff to avoid the application of the ordinance to nonprofit functions (housing, health services, human care services, recreation services, recycling services, as well as resident and day shelter services). It also adds construction, consistent with the proponents opposition to staff's proposed exemption of construction services.

2. **SPECIFIC DEFINITION OF "SERVICE CONTRACT" 12-4-1, "Definitions,"**  
"Service Contract," Option B:

**Option B, the staff alternative, is drawn from the Santa Cruz ordinance, which gives specific categories of services which are subject to the living wage.** The Santa Cruz ordinance gave a set of examples of a general and unbounded category of service contracts, preceded by the typical "including but not limited to." This is, in effect, a variant of Option A, in that the definition is unlimited, and, the term is thus, ultimately, undefined.

The alternative that staff drafted and recommends considering is based on the Santa Cruz language but uses the examples to define "service contracts." This is also consistent with the Denver approach, although the Denver ordinance is more limited. Staff has added copying and printing services and courier services to round out the list of common for-profit services used by the City. This approach would take care of the major administrative problems by indicating the specific areas to be covered, recognizing that other areas could be covered over time by Council action if additional living wage coverage were deemed appropriate. The proponents' draft adds back services that are provided in the nonprofit sector. Staff recommends excluding them (as Santa Cruz did not), in order to avoid the issue of a nonprofit exemption. It is staff's position that rather than including these areas which will then necessarily be subject to exemption proceedings, the better course would be not to include them in the first place. Health, housing and human services are struggling as it is and should not be further burdened in these troubled economic times.

Summarizing, the Option B list includes most routinely out-sourced City services, with the exception of health and welfare services typically contracted to nonprofits, and consultant services, for which the living wage is unneeded and inappropriate. Staff needs to add that it continues to question the need for a service contract clause in the living wage ordinance, and is also concerned that the City Council budget and fund for necessary administrative personnel to enforce the ordinance, and adequate program funds to implement it, before Council decides to approve it.

**If Council ultimately opts to add service contracts to a living wage ordinance, staff urges that an inclusive definition, along the lines of Option B, would be a far better solution.** It would allow Council to determine exactly which service contracts it wishes to subject to the Boulder living wage ordinance, to price compliance, and to budget necessary funds – rather than discovering a deficiency later. Staff is divided on whether a threshold is still needed if a specific test is adopted. The City Attorney's Office suggests that given the specificity of the services covered under Option B, a higher threshold is not appropriate, but a minimal threshold of \$1,000.00 could be helpful to exclude very small transactions.

Under Option A, the proponents would retain the items that staff deleted from the Santa Cruz ordinance and require that nonprofits go through an exemption process. They would, however, apply a rolling threshold of \$10,000 in twelve months, with no written contract requirement, and thus would require retroactive wage adjustments once the threshold was reached. See paragraphs 17 and 18, below.

Thus, the staff position is that the City Council should first examine whether it should take on service contracts, based upon the advocacy of the living wage proponents and the business and nonprofit communities. Staff remains skeptical that the benefits are worth the cost. If Council determines otherwise, staff recommends Option B in preference to a vaguer or more complex definition, because it will clarify and limit the administrative and compliance costs and allow Council to budget for both. The only disagreement between Option A and Option B concerns the treatment of nonprofit services and construction services and the threshold formula.

**3. LOOPHOLE-CLOSER: EXCHANGE OF LEASE FOR SERVICES 12-4-1, "Definitions," "Service Contract," Option C:**

Option C is a loophole-closer, intended to avoid leases of real property in exchange for services, which could otherwise be used to avoid the \$10,000.00 threshold of Option A. It will probably never be used, but it is otherwise unobjectionable as a loophole-closer. Staff recommends against it as it clutters the ordinance unnecessarily and is totally unneeded if Option B is used for the definition. The proponents do not agree.

**4. CONSTRUCTION CONTRACT EXCLUSION, 12-4-1, "Definitions," "Service Contract," Option D:**

Boulder's peer cities of Madison, Ann Arbor, and Santa Cruz all include this exemption, which is important to making a general definition of "service contract" more manageable. Typically, the City receives very few bids on many construction contracts, and including them in the living wage could create substantial difficulties for the City. But the proponents oppose a construction contract exemption. **Staff recommends using Option B. This makes Option D unnecessary.** If Council chooses instead to use Option A, Option D would be appropriate as an addition to limit the scope of the living wage ordinance. Corresponding edits would be required to Option A.

**5. GOODS AND PERSONAL PROPERTY CONTRACTS EXCLUSION 12-4-1, "Definitions," "Service Contract," Option E:**

Option E is language suggested by staff that appears in several ordinances, including that proposed in Bridgeport, which gives a safe harbor, indicating that a lease or purchase of goods, products, equipment, supplies or other personal property is not a service contract. Staff discussed this with the proponents, who were willing to add it.

**6. SERVICE CONTRACTOR SIZE AND EXEMPTION FOR COLLECTIVE BARGAINING 12-4-1, "Definitions," "Service Contractor," Option F 1-2:**

The definition is the place to exempt very small businesses. Business size is defined by how many individuals are employed. Berkeley uses six employees, Santa Cruz uses five, and Bridgeport proposed fifty, for nonprofits. This is an issue for Council. The proponents did not propose a threshold. Staff prefers to exempt small businesses, for whom compliance and reporting could be burdensome and views six as a reasonable threshold. In any event, staff suggests including an exemption for collective bargaining agreements which would appropriately preempt the ordinance. The proponents took a contrary position on this issue. See paragraph 7, Option G, below.

7. **SERVICE CONTRACTOR DEFINITION TO EXCLUDE CONSIDERATION OF SIZE AND COLLECTIVE BARGAINING 12-4-1, "Definitions," "Service Contractor," Option G:**

The proponents' proposed definition is unneeded. If Council wishes not to adopt Option F, under paragraph 6, above, that is its prerogative. But Option G just says the opposite and adds nothing. The \$10,000 threshold is already contained in Option A and is a quality of the contract, not the contractor.

8. **BENEFICIARIES OF CITY ASSISTANCE OR SERVICES, DEFINITION 12-4-1, "Definitions," "Beneficiary of City Assistance," Options A and B:**

The beneficiaries definition fits logically in the discussion of service contracts, because it represents an extension of the living wage beyond City employees to a new category: **entities that receive City monetary assistance or in-kind services**. Here, the distinctions become more difficult, since the assistance is not specific to certain employees or contracts of the recipient of City assistance or services. Thus, there is no neat way to parcel out the living wage responsibility according to actual funds received from the City.

The related text proposed by the proponents is at proposed Section 12-4-4, annotated at paragraph 12, below.

The major defect of this approach is that the living wage obligations might well be in excess of the actual monetary benefit to the recipient of City assistance or services. This is a genuine dilemma, and there is no easy way to resolve it. This leads to the conclusion that perhaps it is inappropriate to extend the living wage in this way, and that surely will be an issue for debate. Why, in fact, should the City have to give more money in order to accomplish its purposes in helping to support struggling outside groups performing an essential municipal purpose, which often function with semi-volunteer labor? This would include all capital and operating assistance and urban renewal projects. All would require additional financing over and above what is currently required in order to make any deal come together. Unless exempted, raising the problems discussed above, it would also include help to nonprofits, including the Dairy Center for the Arts and the Boulder Museum of Contemporary Art, and the text would indicate that through bond financing, housing agencies and other nonprofits might be subjected to the living wage as an additional cost of low-cost financing.

The peer cities are split. Ann Arbor uses the \$10,000.00 threshold for such grant assistance. On the other hand, Berkeley and Madison use a higher threshold for this element – \$100,000.00 – and Santa

Cruz omits grants entirely. Ann Arbor provides for a nonprofit hardship exemption. Santa Cruz accepts exemption requests. Council will have to choose whether or not it wishes to pursue this additional living wage category. Staff argues that even if for-profits are included, nonprofits should not be. This could be handled by a general nonprofit exemption. See paragraph 17, below. But if so, not much remains, since nonprofits are the principal beneficiaries of City assistance and services.

In summary, the grant issue presents a separate question for Council determination, independent of other service contracts. On one hand, the argument would be that if the City is going to support an entity, that entity should comply with minimal standards of community responsibility, including paying the living wage. On the other hand, since such wages are not now paid, especially in the nonprofit sector, one must question whether the living wage is appropriate as additional economic burden on an activity which the City has already found it necessary to subsidize with public money. Will this not simply make it more difficult if not impossible for the enterprise to succeed? **Staff recommends strongly that the City Council, like Santa Cruz, reject this extension of the living wage.** It is not at all necessary to the concept of a living wage, it is almost impossible to define its reach, since it could apply to all employees and contractors of the beneficiary, and it creates a serious policy dilemma in that nonprofits are its principal target.

9. **DEFINITION OF CITY, 12-4-1, "Definitions," "city," Options A and B:**

The code has an expansive definition of "city" at Section 1-2-1, B.R.C. 1981. This addition is unneeded.

10. **CITY EMPLOYEES: WAGES, PART-TIME, INFLATION 12-4-2, "Living Wage for City Employees," Option A, Option B, Option C, Option D 1-2, Option E 1-2, Option F:**

This section of the ordinance is the guts of the living wage mandate. Staff continues to question the wage amounts proposed. Berkeley is still using its 2002 living wage is \$9.75 - \$11.37. However, staff expects to bring before council new 2003 rates sometime in July, at which time the proposed rates will be \$10.50 - \$13.30. Madison chose 110% of the federal poverty level or \$9.73 in 2003; Santa Cruz uses \$11.50 - \$12.55, which was adopted in July 2002; Ann Arbor uses \$8.98 - \$10.52, which was adopted in 2002. To date, staff has been unable to verify Ann Arbor's 2003 rates.

Thus, the City Council will need to have a vigorous debate over the wage - setting methodology and amount. As staff has previously stated, **\$10.62 is the most defensible number - - 120% of the federal poverty level for a family of four in Boulder.** The living wage campaign disputes the federal methodology and supports a methodology that would result in a minimum wage in excess of \$20.00. But the staff recommendation of \$10.62 is far above many Boulder wages. The proponents' proposal of \$12.50 has no justification other than raising the hourly wage closer to the \$23.68 estimated as required to raise a family of four above state and federal assistance guidelines (per the Colorado Fiscal Policy Institute). Staff also continues to debate the appropriateness of extending the mandate to seasonal, temporary and part-time employees and thus recommends a cutoff of full-time or half-time employment.

Option A is the proponents' proposal, and would include all City employees, including contract, temporary and seasonal, in the living wage. This is much broader than Staff's Option D and harder to administer. The cost impact of including seasonal and temporary employees (an additional \$1,160,000 annually) has been discussed earlier. Options B and C are the proponents' minimum benefit and leave specifications for City employees. The total mix of time-off benefits in these two options is less than what management employees currently receive, but the division is different and conflicts with the City's choice and philosophy used in developing its total benefits package. Since the proposed time-off benefits do not match current City benefits, staff opposes this arbitrary change in City compensation.

Option D is the staff-recommended alternative covering only full-time, standard employees, and Option E is the staff-recommended backup, covering standard employees working at least half-time. Current City policy is that employees who work less than half-time are not entitled to health insurance (health insurance carriers will not extend coverage to less than half-time employees). Employees who work less than one-quarter time are not entitled to any benefits. If these employees are included in the living wage, these realities should be reflected in the ordinance. Thus, if option A is adopted, staff proposes codifying the half-time restriction in the living wage ordinance. This is Option F. Alternatively, it would be necessary to cost out the cost of granting benefits to persons who work less than half-time and figuring out what their proportionate contribution would need to be. Options G, H, and I deal with inflation and are covered in paragraph 11, below.

**11. SERVICE CONTRACTORS: WAGES, PART-TIME, INFLATION 12-4-3,**  
**"Living Wage for Employees of Service Contractors," Options A through F:**

This section of the ordinance deals with the mandate for service contractors to pay the living wage to their employees and to independent contractors. Again, staff questions the wage amounts. And again, staff cautions against the administrative and implementation cost of extending the living wage to this category. Although the amount cannot be estimated, it would be likely to cause increases in the cost of services to the City, which Boulder can ill-afford in this time of budgetary constraint.

However, assuming that Council decides that it wishes to go forward, there are a number of options to be considered, Options A, D, and E are the proponent- and staff- proposed living wage amounts, with and without benefits respectively. **Staff recommends, as an alternative, the expedient of setting the wage rate at \$10.62/hour and leaving benefits out of the ordinance, as Madison did.** Under Option F, workers working less than twenty or forty hours per week (or 35 – the proponents' definition of full-time) should be excluded. Per paragraph 10, the best argument is for coverage of only full-time employees. However, the peer cities apply the living wage to all service contractor employees.

Options G, H, and I describe alternative approaches to determine inflationary increases applicable to the wage set as the Boulder living wage. This discussion also would apply to Section 12-4-2, concerning the living wage for City employees. Essentially, the options are to mandate Council consideration as part of the City budget, which is Option G, or to use a classical CPI inflation approach, which is Option H, or to use the HHS federal poverty guidelines, which is Option I. Of the three, staff prefers Option G, because it maintains the ability of the City Council to take legislative action not to implement a cost of living increase if the effect would be negative for the community as whole. Alternatively, Option G or H would be easy

to implement, and could be automated so as to require no legislative action at all. **If Council desires to use an index, staff recommends use of the federal poverty guidelines, since that is the basis for staff's recommended living wage amount.** Of the peer cities, Santa Cruz mandates annual city council consideration, Berkeley uses the C.P.I., and Madison and Ann Arbor use the federal poverty guidelines. The proponents would opt for the C.P.I. (paragraph 10, Option H). They presumably would opt for paragraph 11, Option H as well, but have not said so to this point.

Options K and L are the proposal and staff redraft of the proponents' proposal to bind successors and assignees. Paragraph 11, Option K and paragraph 12, Option F follow this same pattern. The difference is that the City's language at paragraph 11, Option L places the duty on that service contractor – recognizing that the City is not in privity of contract with the subcontractor or assignee. Since City contracts are not subject to transfer or assignment, the language is surplus in any event. For a discussion of paragraph 11, Option J, the no-reduction clause, see paragraph 20, below.

## **12. BENEFICIARIES OF CITY ASSISTANCE OR SERVICES: SUBSTANTIVE PROTECTION 12-4-3, "Living Wage for Employees of Service Contracts," Options A through K:**

Option A is the proponent-recommended extension of the living wage to beneficiaries of City monetary assistance or in-kind services, which staff opposes. Option B is the staff proposal, which is better accomplished by simply deleting the section altogether. See paragraph 8, above. However, assuming that Council may wish to go forward with this aspect of the proponents' proposal, **staff has suggested an applicability criterion of employees working at least ten hours a week at a site or on a project affected by the assistance or services**, Option J, so that employees unaffected by the assistance or services would not be covered. This is the Berkeley standard. Option K is the proponents' proposal that all beneficiaries of City assistance or services require their subcontractors on City service contracts to abide by the living wage. Staff opposes this restriction as it is even less justifiable than the original extension of the living wage to direct beneficiaries. It once again disproportionately affects nonprofits, beyond their receipt of City subsidies and beyond their ability to pay.

## **13. BENEFITS VS. MANAGEMENT PACKAGE 12-4-4, "Qualifying Benefit Package," Options A, B and C:**

Option A, the proponents' proposal, covers only health insurance. In fact, a broader proposal is concealed in the ordinance, at paragraphs 10 and 11, Options B and C, and paragraph 12, Options C and D. Option B under this paragraph 13 is a staff redraft, intended to unite the benefit provisions of the ordinance. A definition, as proposed by the proponents, is an inappropriate place for such a substantive regulation.

The proponents' package as a whole is inconsistent with current City benefits. Accordingly, Option C is offered, setting one-half of the management package as a floor. The uncompensated days in Option B are a particular problem, since the City does not allow for such family leave now. And even a half of the standard management package may be in excess of the standard benefits granted by other entities. Further, any requirement that benefit packages be valued will increase administrative cost and potential conflict in enforcing the ordinance. Accordingly, if Council adopts a living wage, **staff recommends not setting**

**benefit rates for third parties and considering, like Madison, a single living wage, with or without benefits.** See paragraph 10, above. Alternatively, staff recommends Option B.

14. **BENEFITS, INFLATION** 12-4-5, "Qualifying Benefit Package," Options D and E:

These options deal with the same issue of inflation dealt with above, except for the proponents' reference to a "Health Care CPI." Such an index, which does exist, is a poor substitute for a health insurance index – which does not exist. The same considerations apply, but in addition, the cost of health care insurance has risen by double-digit percentages over the last decade, and health care takes up an increasing share of gross domestic product. Option D, requiring City Council action, may be the only reasonable option. But omission of the whole benefit issue seems the best option, from the perspective of staff that may be charged with implementation of the ordinance and City Council, which would have to deal with the inflation issue annually

15. **TRAINING EXEMPTIONS** 12-4-6, "Exemptions," Option A:

The first option under exemptions is for training programs, internships, work study and youth employment. This appears to be a fair exception, agreed to by the proponents, which should be added no matter what the scope of the ordinance. Staff has added certificated or other limited wage programs for disabled workers, to avoid creating a disincentive for such programs. The proponents have accepted this exemption as drafted.

16. **YOUTH EXEMPTION** 12-4-6, "Exemptions," Option B 1-4:

A youth exception is needed, which could be at sixteen (the proponents' suggestion), seventeen (as in Santa Cruz) or eighteen (as in Berkeley and Madison), or higher, up to twenty-one or twenty-five. Thus, this needs to be looked at empirically in order to determine the appropriate age. Staff recommends at least eighteen, following the peer cities. But staff questions whether the federal poverty level for a family of four is really applicable to a person under twenty-five. Thus, staff recommends setting the exemption at twenty-five.

17. **GENERAL NONPROFIT EXEMPTION** 12-4-6, "Exemptions," Option C:

Option C is a general nonprofit exception which is automatic and does not require an individualized determination. If Council rejects Option B, described in paragraph 2, and adopts a definition which potentially includes nonprofit activities, staff urges that this general exception be used. And the exemption should be included anyway if Council extends the ordinance to service contractors and beneficiaries of City assistance or services.

18. **SPECIFIC NONPROFIT EXEMPTION** 12-4-6, "Exemptions," Options D and E:

This proponent-recommended alternative makes the exemption discretionary with a body, which could be the City Council, the City Manager, or the "Living Wage Advisory Board" advocated by the proponents. Notably, the proponents' draft fails to specify the decision maker and sets very narrow criteria for an exemption. If Council likes the exemption approach, staff recommends Option E instead. The

criteria that have been developed are a loosening of those proposed by the proponents, and they could be further elaborated or amended if Council decides to go this route. The proponent-required promise of ultimate compliance has been deleted. Ann Arbor requires such a promise. The other peer cities do not. **Staff opposes such a cumbersome discretionary exemption, which would be a source of great controversy, and especially opposes creation of a new board and bureaucracy for this purpose, or cluttering up Council agendas, to do it.**

19. **GOVERNMENT EXEMPTION** 12-4-6, "Exemptions," Option F:

Option E is an exception for other governments, which should be enacted in any case, in order to reflect the limits of the City's jurisdiction. This is consistent with the peer cities and is not opposed by the proponents.

20. **NO REDUCTION CLAUSE** 12-4-6, "No Reduction in Benefits" has been deleted as a separate section. But see paragraph 11, Option J and paragraph 12, Option I, which are similar:

This proponent-recommended paragraph is **almost impossible to enforce**. Further, while it is understandable the living wage proponents do not wish to see one person's wages reduced to help another to earn the living wage, or to countenance reduction of benefits to raise wages, inclusion of the no-reduction language seems calculated to force a decision to implement layoffs. As with other aspects of existing living wage ordinances, this language reflects the era of economic expansion in which the living wage ordinances were originally proposed. It does not reflect contemporary realities. The peer cities follow this model, but staff opposes it.

21. **NOTIFICATION AND REPORTS** 12-4-7, "Notification and Reports:"

This contains basic staff options (Options B and D) and more elaborate proponent options (Options A, C and E). Council can choose as it wishes among these options, but staff recommends Options B and D solely to save on administrative costs, for which the City will ultimately pay, and to avoid unnecessary formality – as with Option A, which requires a contract to parrot the ordinance. Staff is particularly troubled by Option E, which purports to make payroll records public records. This probably violates the Open Records Act, Section 24-32-204, C.R.S., which protects such privileged private employment records.

22. **ENFORCEMENT** 12-4-8, "Enforcement:"

Staff has outlined all of the enforcement options for Council's review. **Option D is enforcement by complaint system, focused on City Manager review. It is the classical way of enforcing such an ordinance. Staff definitely recommends against creating a new bureaucracy and appointed board for this purpose. A hearing officer is a better choice.** Staff also recommends against a separate civil action, Option H, since that would take the City out of the service contract monitoring process, at great peril to that process.

This section is proposed to be "beefed up" by the proponents' proposal, which requires real monitoring by City employees, including periodic report examination, review of company records, examination of work sites, interviews of employees and surveillance of work subject to the ordinance. It is not conceivable to make such resources available, considering the budget reductions contemplated in the 2004 budget. Options E through G simply compound the incongruity, enacting such detailed remedies that the City is sure to fail. This seems like a set-up.

**23. RETALIATION AND DISCRIMINATION 12-4-9, "Retaliation and Discrimination Barred:"**

This is an enforcement tool in reverse, a device to attempt to protect "whistle blowers" who report living wage violations. It is a real issue and in a broad form could be considered for all complaints under the Code. But it would have a cost. But such protection does not exist now and would require a new financial commitment that staff questions in the current budgetary environment.

**24. SEVERABILITY 12-4-10, "Severability:"**

The proponents propose a separate severability clause. This is already handled by the general severability clause of the code, Section 1-1-4, B.R.C. 1981.

**25. EFFECT OF UNIVERSAL INSURANCE 12-4-11, "Effect of Universal Health Insurance:"**

The proponents' new proposal ends the regulation of health insurance when (and if) universal health insurance is provided. It is utterly benign. However, since staff does not suggest regulation of benefits, it likewise does not suggest this qualification of the regulation of health insurance.

**26. EFFECTIVE DATE 12-4-12, "Effective Date:"**

The proponents' proposal, Option B, purports to apply the ordinance to existing contracts. Staff's alternative, Option A, vests all existing contracts and renewals. Any interference with an existing contract runs a significant legal risk of invalidation and an even greater risk of litigation. There is no principled reason to require renegotiation of existing contracts, and a living wage will be much better accepted by the City's contractors if the City can avoid such a provocation.