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RESOLUTION RECOGNIZING THE PROBLEM OF WAGE THEFT IN THE CITY OF EL PASO AND FOR THE PURSUIT OF NEW LAWS TO PROTECT VICTIMS OF WAGE THEFT IN OUR COMMUNITY

WHEREAS, a growing number of El Paso workers face an epidemic of nonpayment of wages by unscrupulous employers;

WHEREAS, hundreds of workers in the El Paso region have been victims of nonpayment of wages and/or minimum wage and overtime violations;

WHEREAS, a national study of day laborers found that at least half of those interviewed have not been paid at all by an employer at least once in the two months prior to the survey;[1]

WHEREAS, a local study of low-income workers found that one in five low-wage workers in El Paso are not paid minimum wage and one in eight low-wage workers have not been paid at all by an employer at least once in the two months prior to the survey;[2]

WHEREAS, in another recent national survey, 26% of low-income workers had been victims of minimum wage violations in the week prior to the survey and 76% were victims of overtime violations;[3]

WHEREAS, wage theft negatively affects our local, state, and federal tax revenue and takes money out of our local economy;

WHEREAS, businesses that do not pay their employees correctly and don't report their taxes adversely affect ethical businesses that abide by the law and makes for an uneven playing field in the marketplace;

WHEREAS, civil remedies such as the Texas Workforce Commission wage claim procedure, the United States Department of Labor, and private attorneys are often ineffective or unavailable for the majority of low-income workers in El Paso;

WHEREAS, an epidemic of wage theft is occurring in our community because of a lack of enforcement of wage laws;

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[1] Abel Valenzuela Jr., Nik Theodore, Edwin Melendez, and Ana Luz Gonzalez, *On the Corner: Day Labor in the United States* (Los Angeles: UCLA Center for the Study of Urban Poverty, 2006).

[2] Cristina Morales, Eric Murillo, et al, *El Paso's Newest Crime Wave: A Wage Theft Epidemic in the Borderlands*, June 2011, *available at* http://texascivilrightsproject.org/docs/wt/wagetheft_ep110623.pdf.

[3] Annette Bernhardt, Ruth Mikman, Nik Theodore, Douglas Hockathorn, Mirabai Auer, James DeFillippis, Ana Luz González, Victor Narro, Jason Perelshteyn, Diana Polson, and Michael Spiller, *Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America, available at* http://nelp.3cdn.net/1797b93dd1ccdf9e7d_sdm6bc50n.pdf.

NOW, THEREFORE, BE IT RESOLVED that the City of El Paso is committed to investigate and pursue a local ordinance or other legislation that will (1) provide a robust, effective, and fair civil mechanism to support local victims of wage theft; and (2) create consequences and penalties for community members who do not pay their workers their wage.

PASSED AND APPROVED this 29th day of November, 2011

CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Elaine S. Hengen
Senior Assistant City Attorney

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