

**Office of Civil Rights**  
**Wage Commission Minutes**  
**January 3, 2019**

Participating in the meeting were Commissioners Sheryl R. Wood (Chair), John Barber, Caryn York and Ally Amerson. Also participating in the meeting were Director Darnell Ingram and Andrea Williams (Compliance Officer II). The meeting was called to order at approximately 3:09 PM.

**I. Welcome**

Chair Wood welcomed everyone to the meeting and called the meeting to order at 3:09 PM.

**II. Director's Report**

Director Ingram noted that he had scheduled meetings with the Bureau of Procurement and different contractors for the city to discuss how wage enforcement will begin to increase its Wage theft investigations. He noted that the investigations are looking into potential new cases for investigation, and that the Commission would soon see an influx.

Director Ingram noted that he and the Law Department are reviewing the City code (Article 5; Section 26), which states that the Bureau of Estimates has authority regarding decisions in prevailing wage cases. He noted that since the Solicitor's office would be enforcing those decisions, he wanted to ensure that their authority is secure. Chair Wood wanted to know if there was a mechanism to hear cases at the Bureau of Estimates, and noted that a BOE employee could be added to the Commission. She stated that she did not want to change the mechanism that's already in place.

Chair Wood was concerned with Provision 25-14 which states that is "shall be the agency's responsibility to examine payrolls and report discrepancies." She noted that City agencies were not doing this with their contracts, and that they should be.

Director Ingram noted that they were updating the website, and they would be working rules and regulations.

**III. Approval of Minutes**

Chair Wood presented some edits and requested that the minutes be amended for approval at the next meeting.

**IV. Discussion**

**a. Committees**

Chair Wood wanted to know how many people could be on the Wage Commission. Ally noted that they were limited to 5 persons. Director Ingram stated that they would have to be

mindful of the OMA when forming committees, and recommended committees of 2 people. The following Committees were formed:

- Reclassification: John Barber and Mark McLaurin
- Rules and Regulations: Sheryl Wood and Ally Amerson
- Outreach: Caryn York

#### **b. Outreach Plan**

Chair Wood wanted to discuss placing the Living Wage poster online. Andrea Williams noted that a poster had been created, but was not on the website. Chair Wood asked that a new poster be added to the website with the updated information. She wanted to ensure that all contractors were being provided the poster, since the law requires that living and prevailing wages be posted in the workplace. Director Ingram stated that contractors should be directed to print and post the poster within 24 hours, after which they would be fined.

Director Ingram noted that they were working on reaching out to those who were not aware of the work and authority of the Commission, and wanted to suggest creating an OCRWE advisory Board with members from each commission to promote each other's events and spread awareness. He noted that they would meet openly several times throughout the year for promotional and advertising purposes. He stated that he would have more information about the meeting the following week, as well as plans for a speaker/community event on housing discrimination. Caryn York suggested that for housing discrimination, they should coordinate with community based associations working with target populations that need housing support, and noted that she would work with Jill Muth to generate a list.

Caryn York stated that she wanted to find a way to synergize with the Wage Commission and the Community Relations Commission, to discuss how they could work together to complement each other. She noted that she wanted to know more about the Ban the Box enforcement process. Director Ingram stated that he would connect Caryn York with Raemond Parrott, the deputy director. Caryn York noted the necessity of partnering with trusted community based associations in reaching affected communities.

Director Ingram stated that he wanted to create more conversation about the Office of Civil Rights and the Wage Commission, and wanted to revamp the investigations process. He noted that a new deputy director would be hired to help with outreach, and that he wanted the Commission to be more involved in outreach events. He advised that the deputy would be in charge of legislative affairs, public outreach, and managing the Wage Commission.

Director Ingram stated that they would also be implementing a civil rights youth ambassador program, and that youth would be helping to develop the program and could be attending meetings in the near future.

John Barber added that he could visit big job sites and pass out flyers.

Sheryl Wood noted that she wanted the living wage poster to be translated into Spanish and added to the website. Caryn York stated that she wanted to be intentional about every document being released in Spanish.

**c. Reclassification Process/Restructuring Classification**

Director Ingram noted that many jurisdictions only have two classifications in relation to construction, and wanted to propose that the Commission reduce the number of classifications from five to two. He noted that an economist would help them to reconcile the differences between the different classifications, and that they would likely have to have public hearings for public comment.

**d. Rules and Regulations**

Director Ingram noted that a new attorney, Sharon Snyder, would be assigned to the Wage commission to address the absence of Sakkara Turpin. He noted that as they ramped up investigations, contractors would likely push back more, so they would need rules for due process and the use of subpoena power. He noted that they may need to set up systems for depositions and testimony. He stated that it would be best to start developing rules and regulations now, before the influx of cases begins.

**e. Statute of Limitations for Claims Brought by Aggrieved Persons**

Sheryl Wood noted that they had discussed some legal issues that they were concerned about and wanted to clarify. She stated that according to Article 25-8 on Prevailing Wages, any laborer may file a complaint within 1 year. The workgroup had decided that one year was not sufficient time. She felt that they should at least get three years from the date of the incident, and wanted to get everyone's feedback on making these changes to the City Code. Director Ingram noted that the Commission can choose to take on the case themselves and are not limited by the statute of limitations. Chair Wood noted that she still wanted to allow the workers their right to file a complaint. John Barber noted that they should discuss all the issues from the work group with the new director.

Sheryl Wood noted that she was concerned that staff had not sent out the letter regarding the Abacus decision. Director Ingram noted that the decision was with the Law Department being reviewed for legal sufficiency. Chair Wood noted that this was a new process.

John Barber noted that they could recommend debarment for problem contractors, and Director Ingram advised that this could be worked out through rules and regulations.

Ally Amerson wanted to know whether the Law Department was reviewing all decisions before they went out. Director Ingram noted that in cases where they are sent to collections,

there are issues with the City receiving payment. He stated that the law department will now affirmatively defend the commission's decision by filing a lawsuit, and for that they need to review cases for legal sufficiency. Caryn York noted that there were attorneys on the commission with expertise in this type of law, and that she would prefer to defer to them. She stated that they could check with additional counsel if needed, and wanted to avoid the perception that they would be frequently filing lawsuits. She noted that sometimes they may consult with the Law Department, but the commission would need to be informed beforehand. Caryn York noted that someone from the Law Department could also come to sit in on the Commission meetings. Director Ingram clarified that the Commission's decisions were final, and the Law Department wanted to make sure enough details and information were included in the letter. Ally Amerson noted that she wanted to ensure that the Commission would retain independence. Chair Wood noted that the commission's decisions could not be appealed, and so the sufficiency of the investigation was not in question. She felt that they needed to be concerned with the initial decision made and not the appeal. Caryn York suggested that they discuss the matter in their rules and regulations committee.

Chair Wood wanted to know when the letter would be sent out, and wanted to review it and have the opportunity to discuss further. She noted that she would like the letter to be available for discussion at the next meeting.

Caryn York noted the importance of being attentive to legislation being developed at the state level. Chair Wood noted that they were appointed by the Mayor and would have to follow her legislative agenda.

## **V. Closing**

There being no further business, the meeting was adjourned at 4:48 PM.

Respectfully submitted,

Jill Muth  
Special Assistant to the Wage Commission