

Office of Civil Rights
Wage Committee Minutes
October 4, 2018

Participating in the meeting were Commissioners Sheryl R. Wood (Chair), John Barber, Ally Amerson, and Mark McLaurin. Absent: Commissioner Caryn York. Also participating in the meeting were Larry Ennels (Compliance Officer II), Andrea Williams (Compliance Officer II), and Sakkara Turpin (Law Department).

I. Call to Order

The meeting was called to order at 3:24 p.m.

II. Approval of Minutes

It was moved by Commissioner Amerson and seconded by Commissioner Barber that the September 6, 2018 Workgroup Committee Minutes be approved as written. All were in favor and the motion carried.

III. Prevailing Wage Hearing

Chair Wood asked Ms. Andrea Williams for an overview of the cases. There were 8 cases from Abacus Corporation and one case from Total Environmental Concepts.

1. First Packet – Revised Violation letters based on the corrections from Abacus
2. Second Packet – Appeal Letter & Ms. Williams’ response to the letter in Asterisks (page 4-5 yellow). Ms. Williams sent out the revised letter to Abacus showing the corrections but did not receive a response.
 - a. Refers to Exhibit A – amount per person with corrections based on pages 4-5
Example: highlighted in yellow for double payment
 - b. Exhibit B – continued
 - c. Exhibit C – shows that the employees were never on the payroll; (3) back page shows copies of payrolls that prove that they were on the payroll (no corrections). Ms. Williams stated that she would need a response from Abacus regarding those payrolls.
 - d. Mr. Ennels stated that at the end of the Appeal Letter is an original copy from procurement that was a signed affidavit by Abacus regarding the overtime. Ms. Williams stated that the affidavit states Abacus was aware of the living wage laws in Baltimore City. She also stated that the second signed affidavit states that Abacus was aware of the overtime based on the Living Wage law in Baltimore City (8 hours per day).

Chair Wood asked for introductions and administered the oath to the two representatives of Abacus other than counsel.

The Abacus representatives gave a list of examples of errors that they believed were made by the Commission.

The Abacus representatives asked that the July 9, 2018 letter to the Commission is a part of the record along with two documents that they submitted at the current meeting. Chair stated that the Commission will also include the violation letters and exhibits.

Chair Wood clarified with Abacus that they take responsibility for not paying overtime and admit that it was a mistake and that Abacus would not charge it back to the City, but Abacus would like to get to a correct number and that is for restitution. For the penalty portion, she further clarified that Abacus believes it is punitive and that they should not have to pay any penalties and that they did not act in bad faith and it should have been brought to their attention.

Action: Abacus will send the stamped, redacted wage statements to Mr. Ennels and Ms. Williams the next day (11/9/2018 or sooner).

The Commission briefly discussed with the Ms. Turpin about the overtime pay versus more than a 40 hour work week.

There was no further business, and the Commissioners voted to adjourn.

There being no further business, the meeting was adjourned at 4:47 PM.

Respectfully submitted,

Robin Drummond
Secretary III