

Somerville Wage Theft Advisory Board Meeting Minutes

Date of the Meeting; January 16, 2023

Place: Via Zoom

Attendance: Councilor Beatriz Gomez, Rodrigo Badaro, Colleen Fitzpatrick, Brenda Santos de Medrano, Bill Dovan, Austin Cole and Emilio Cruz

Invited Guests: Assistant Attorney General, Kate Watkins and Licensing Board Chairman, Joe Lynch

Technical Support: Interpreter Stephanie Sanchez

The meeting was called to order by Councilor Beatriz Gomez at 6:35pm. A roll call was made and there was quorum to proceed with the meeting. Councilor Gomez allowed the attendees to introduce themselves. Councilor Gomez indicated that for the next meeting it will be good to have included in the agenda the roll call of Board Members and have their names listed.

The minutes of the previous meeting was approved without changes as they have been previously distributed and read by the board members. The motion to approve was presented by Brenda Santos and seconded by Rodrigo Badaro.

Emilio Cruz announced that there is a training for city officials, union leaders and members of the Wage Theft Advisory Board with the Office of the Attorney General resources for the said training. We need confirmation of the date.

Emilio Cruz requested that we move Assistant Attorney General Kate Watkins to be allowed to make her presentation and answering questions by the audience. She indicated that she works for the Fair Labor Division, and they do trainings for municipal officials and community organizations. They have a centralized training and education program for the AG's Office. In terms of filling complaints for wage theft and other labor issues, a third party may file. Also, the law give the AG's office the ability to request records from employers. The major challenge is that employees are often afraid to proceed against their employers for fear or retaliation. However, the Attorney General Office takes very seriously intimidation and harassment made against someone that seeks legal remedies to their labor issues. They have a multilingual staff at the office.

Attorney Watkins indicated that they have informational publications in various languages. It was clear that they do not share information about the claimants with a third party, including the Department of Homeland Security and Immigration and Naturalization Service. They see very often cases of wage theft, minimum wage, and failure to pay for overtime worked. Also, they know some employers consider employees independent contractor, but regardless the person is considered and employee. Another issue that is very common is worker compensation denials. At some scale, they also receive some complains of sick leave and paid sick leave. Employees may qualify for sick leave even when there is not much notice. Some other issues they work in the unit are meal breaks, workers compensation, tips, covid related issues and work overtime and overtime over the weekend. Another issue very prevalent is the construction jobs that do not have a formal payroll system as the employees are paid cash. Ms.

Watkins recommends that employees that are paid cash should maintain records of attendance and payment and/or any other detail that can be used later in a claim.

The Committee requested that the AG's Office supply educational material to be distributed to our clientele. In addition, the committee inquired about the confidentiality issues which can be sustained up to certain level, however, because of the legal nature of the process, the names of the victims may not be kept confidential forever.

It was a brief discussion of the Somerville Affidavit that is being implemented to every new business and projects regarding disclosure of previous wage theft actions. Also, it was explained that the employers must post the prevailing wage. However, the certified payroll agreement is only for municipal projects given to outside vendors and they must comply with the OSHA 10 Card. The AG Reports are accessible on the website and a legal clinic on wage theft is held at Suffolk University Law School one Monday per month between 4 to 6 pm.

Councilor Gomez asked the Committee to take out of order the participation of Joe Lynch, Chairman of the Somerville Licensing Board. Immediately, he indicated that any business found in violation to the wage theft ordinance their license will be impacted. The Licensing Commission is comprised of three members and they have jurisdiction over a couple of dozens businesses such as but not limited to restaurants, package stores, cannabis operations, entertainment and one day events. The new IDS Affidavit impacts projects over ten million dollars or more contracts and/or 75 units or more. However, some businesses are not required to fill out the affidavit if they verbally indicate that has not been involved in wage theft in the past: cannabis and package stores. If they are found in misrepresentation, the license can be revoked.

If there is an accusation of wage theft there must be a report of such complain by many entities among them the Wage Theft Advisory Board, the US Department of Labor, the State's Attorney General and even another state in which the business was convicted, this will ensue an investigation.

After the participation of our two invited guests, we returned to the agenda of the meeting. It was discussed that four members are duly appointed and have taken the oath of office: Councilor Beatriz Gomez, Bill Dovan, Austin Cole, and Brenda Santos de Medrano. Three more are ready to take the oath of Office, Emilio Cruz, Rodrigo Badaro and Collen Fitzpatrick. There are other members that has not been involved or participating in the meetings.

Councilor Gomez as well as Emilio Cruz were involved with an issue regarding a local project in which more details will be furnished to the Board as soon as some steps take place. In this situation, the carpenter union has been involved and their attorneys are to draft a letter to be addressed to the business owner indicating that compliance with labor laws are required. The letter will be circulated to all board members before is send out to the owner. The Board was explained that if the behavior involving labor laws and wage theft persist it will be referred to the AG's office. The Board voted unanimously to allow the chair of the committee to proceed in this fashion. The matter will be brought back to the Board later.

Emilio Cruz mentioned that there is an effort to review the operation and effectiveness of the current ordinance as written. The Council may amend the ordinance with proper clarifications and justifications.

Councilor Gomez also mentioned that there is proposal to have someone hired by the city to do the administrative needs of the Wage Theft cases. She intends to submit a motion soon to that effect.

Emilio Cruz mentioned that there will be a meeting with a City Solicitor regarding the Wage Theft Ordinance. Also the Interim School Superintendent upon our request have scheduled a meeting regarding allowance for speaking to high schoolers on trades and the Carpenter Union Apprenticeship program. We also are expecting a meeting with the City of Boston officials working with Wage Theft in particular Councilor Ricardo Arroyo who is leading the efforts in Boston. The training for public officials, union leaders and Wage Theft board members is tentatively scheduled for February 14.

The last item was scheduling the next meeting, which is February 28. The meeting was adjourned at 7:45 pm with no other business addressed.