

City of Buffalo Living Wage Commission
Minutes
February 10, 2020

Commissioners Present: Kelly Dodd, Bernadette Giles, Anna Fallicov, Erin Hatton, Sharon Ivey, Bob Mahoney, Penny Selmonsky, Merle Showers (chair)

Others Present: Sam Magavern

1. **Meeting to discuss possible ordinance revisions: Thursday, March 11, 2021, 9am to 10am.**
2. **Regular 2021 Meeting Schedule.** 2nd Wednesday of the month, 9am. May 12, August 11, and November 10.
3. **Charter.**
 - a. Mark Meyerhoffer of Charter provided the following responses to LWC questions:
 - 1) *We have 51 Spectrum Field Technicians that currently work in the City of Buffalo.*
 - 2) *Our Field Technician contractors vary throughout the year and the number is entirely dependent on the volume of work. Therefore, contractors are meant to be a supplemental workforce, not a substitute for our Spectrum Field Technician workforce. On average, we have 15 Field Technician contractors.*
 - 3) *We pay contractors on a "per job" basis. The length of time per job will vary and could even change once the contractor is onsite. In addition, the contractor is a company and we pay the company. For these reasons, what we pay the company for a project does not demonstrate what the company pays its employees. We would also point out that the amount paid per project is not required by the city's ordinance.*
 - b. It appears that starting wage at Charter is \$16.50.
 - c. Impossible to determine based on current information how much subcontractor workers are making per hour.
 - d. Sam will draft letter to Dept of Public Works / Telecommunications recommending that the City notify Charter that it is violating the law by failing to file quarterly reports and asking them to come into compliance.
4. **Sensys Gatso**
 - a. This is the company providing the cameras and ticket issuance/collection for the City's school zone speed cameras.
 - b. Their contract appears to be covered by the law.
 - c. Their RFP included living wage language and an Application for Contract, which they filled out, indicating a lowest wage of \$15.
 - d. The City failed to include the living wage provision in the contract itself or to forward the Application for Contract to the LWC.

- e. Sam will reach out to them with information on how to comply with the law and begin reporting.

5. G4S.

- a. GS4 is the security company hired to work at City Hall. Their contract is covered by law, but they have never responded to our inquiries, including a certified letter.
- b. They pay a minimum of \$20 per hour and do not use subcontractors, so it is just a reporting issue.
- c. Their contract was recently renewed by the Police Department.
- d. Anna will reach out to Police Dept for a name and phone number of a contact person at G4S, and then Sam will contact them to discuss reporting.

6. Magnolia.

- a. Magnolia is subcontractor under two City contracts covered by law. They run the Liberty Hound restaurant at the Buffalo Naval Park and the Terrace restaurant in Delaware Park. They have not responded to repeated requests for quarterly reports.
- b. Anna will discuss with City Parks Dept.
- c. Sam will invite Magnolia to meet with LWC and, if they fail to respond, draft a letter to City recommending enforcement actions.
- d. We will also reach out to the Council Members for those districts for their assistance.

7. City Compliance Issues

- a. LWC still does not receive Applications for Contracts from the City Departments, as the law requires.
- b. Some years ago the Common Council passed a resolution indicating that they would not approve contracts unless i) the dept. making the contract certified that it had forwarded the application for contract and (ii) the law dept. certified that the living wage requirement was in the contract or explained why it was not required. This has never been implemented.
- c. We will send letter to Council, including its chief of staff, reminding them of the resolution.
- d. We will explore doing a refresher training for City staff involved in contracting.

8. Potential Ordinance Revisions

- a. In amending the ordinance to revise the rate to be based on 150% of the federal poverty line for a family of three, the phrase “for a family of three” was inadvertently left out. Anna is working to quickly revise the ordinance to add that in.
- b. Commissioners discussed various other ways to clarify and improve the existing law.
- c. Anna will facilitate a meeting with Office of Contract Compliance to discuss revising the law to give them a role in administering it. Merle, Penny, Bernadette, and Sam will attend.
- d. LWC will meet next month to discuss further and move toward a proposal for the City.