

FAIR EMPLOYMENT WAGE BOARD MEETING ~ 3/14/05

In attendance: Board Members Jack Filak, Mark Davis, Ron Yannitello, John Sweo and Barbara McDonnell

Excused: Steve Greenwell and Ken Kowalski

Also in attendance: Assistant Law Director Jennifer Mladek, Acting Procurement Officer Kim Smith

Meeting began at 6:35 p.m.

Motion by Mr. Filak, seconded by Ms. McDonnell, to approve the Minutes of the Regular Meeting of FEWB held September 13, 2004, without the necessity of a reading.

Motion adopted. All members voting yea.

Mr. Filak welcomed new Board members Mr. Sweo and Mr. Yannitello and noted that with their addition the Board is at full staff.

Acting Procurement Officer Smith reported that one contract had been signed since the last FEWB meeting that required Living Wage compliance. The contract was for temporary refuse and recycling pick-up and the contract was awarded to Community Hiring Hall, a non-profit agency. They signed the Living Wage Affidavit. Acting Procurement Officer Smith noted that 17 bid packages were sent out to different vendors but only 2 organizations put in bids for this contract. Ameritemps, the company that the city previously contracted with for this service, told Ms. Smith that because of the necessity to pay the \$10.20 living wage, they weren't making enough money on this contract so they chose not to bid this year.

Acting Procurement Officer Smith also reported that 11 Living Wage compliance letters were sent out to vendors who were anticipated to exceed the \$25,000 service contract amount which requires living wage compliance. She received two back. Four of the 11 didn't end up exceeding the \$25,000 amount. And the 5 others, Brewer-Garrett, Gardiner Trane, BFI of Ohio, Republic Waste Services and Valley By Products Management, have not sent back their compliance forms.

Discussion took place over whether companies that signed contracts with the City prior to the enactment of the Living Wage Ordinance, but who the City has an option to renew the contract, should be complying with the Living Wage Ordinance.

Assistance Law Director Mladek indicated she believed Living Wage compliance would have to wait until new RFP was issued and included as part of the bid package. City cannot hold a company to a higher standard than what the contract they signed calls for. She explained that with a renewal contract, the vendor signs a contract that is valid for one year but within the contract there is wording regarding the percentage the price will be for future years (i.e. price not exceed 1-2% increase), the city has the option to renew the contract with those not to exceed prices or cancel the contract and rebid it.

Mr. Davis recommended that with regard to renewal contracts, City should ask the vendor if they will comply or are complying with Living Wage ordinance. Ask them to sign affidavit. If they won't, then City should cancel the contract and rebid it including the living wage requirement.

Acting Procurement Officer Smith said she will contact the renewal contract vendors with who have not signed affidavit and discuss Living Wage compliance.

Acting Procurement Officer Smith mentioned the increase in living wage rates. She said the City of Cleveland did not intend to increase their living wage this year. Assistant Law Director Mladek indicated we need to adjust rates according to Consumer Price Index. The Lakewood ordinance calls for the living wage to be adjusted annually in proportion to the Consumer Price Index for Northeast Ohio, as published by the Bureau of Labor Statistics. Acting Director Mladek indicated we will adjust our Living Wage rates and send out new compliance forms.

A motion was made by Mr. Filak to accept nominations for Chairperson and Vice-Chairperson of FEWB for 2005. Mr. Davis nominated, and Ms. McDonnell seconded, nominated Ken Kowalski, as chairperson for 2005. Mr. Kowalski is elected chairperson. All members voting yea.

Mr. Filak nominated, Mr. Yanitello seconded, Ms. McDonnell as vice-chair. Ms. McDonnell elected vice-chair. All members voting yea.

Assistant Law Director Mladek made a recommendation that the Board enact a regulation that the FEWB chairperson can cancel a meeting for cause. She explained that that means if there is nothing on the agenda for the meeting, the chairperson can cancel. She said that is how the other City Boards operate. Motion by Ms. McDonnell, seconded by Mr. Davis, to enact this regulations that FEWB chairperson can cancel a meeting for cuase. Motion adopted. All members voting yea.

Assistant Law Director Mladek, indicated that the City is planning to make some amendments to the Living Wage Ordinance. She asked the Board to take a look at the current ordinance and provide her with any recommendations they have. She also indicated that she will share with the Board the proposed amendments to the ordinance before it goes to city council for approval.

Motion by Mr. Sweo, seconded by Ms. McDonnell, to adjourn meeting. Meeting adjourned at 7:20 p.m.

Next Meeting: Monday, June 13, 2005 at 6:30 p.m.

Respectfully Submitted,

Melissa Garrett
Secretary to FEWB

