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>> MY NAME IS COUNCILOR  
FLAHERTY, THE CHAIR OF THE  
GOVERNMENT OPERATIONS COMMITTEE  
AND WE ARE HERE TODAY TO DISCUSS  
DOCKET 1543.

AN ORDINANCE REGARDING FAIR  
WORKWEEK EMPLOYMENT STANDARDS  
FOR THE CITY OF BOSTON  
CONTRACTORS.

THIS MATTER WAS SPONSORED BY MY  
COLLEAGUE SITTING TO MY LEFT,  
CITY COUNCILOR MICHELLE WU,  
REFERRED TO COMMITTEE OF  
GOVERNMENT OPERATIONS BACK ON  
OCTOBER 24th OF 2018.

THIS ORDINANCE AMONG OTHER  
THINGS REQUIRES CITY AGENCIES,  
CITY CONTRACTORS AND  
SUBCONTRACTORS TO FIND IN THE  
ORDINANCE AS COVERED EMPLOYERS  
TO PROVIDE WORK SCHEDULES THAT  
ARE PREDICTABLE AND FLEXIBLE  
WITH ADVANCED NOTICE OF  
WORKUALS, PROVIDING ADEQUATE  
REST TIME, EMPLOYEES ARE  
COMPENSATED WHEN THERE ARE  
CHANGES TO THE SCHEDULES  
OCCURRING AFTER ADVANCED NOTICE  
PERIOD, REQUIRING EMPLOYERS TO  
OFFER AVAILABLE HOURS TO  
EXISTING WORKERS FIRST BEFORE  
HIRING NEW EMPLOYEES.

A COVERED EMPLOYER IS DEFINED AS  
THE CITY OF BOSTON AS ANY FIRM,  
VENDOR, CONTRACTORS OR SUPPLIER  
OF GOODS AND/OR SERVICES TO THE  
CITY OF BOSTON OR ANY OF ITS  
SUBCONTRACTORS.

I'D LIKE NOTE THAT THIS HEARING  
IS BEING STREAMLINED BOSTON CITY  
COUNCIL TV ONLINE AND WILL BE  
BROADCAST AT A LATER DATE.

I'D LIKE TO TURN IT OVER TO  
MICHELLE WU FOR FURTHER OPENING  
REMARKS AS WELL AS TO MAYBE  
CLEARLY FRAME HER PROPOSE THE  
ORDINANCE AS WELL AS WHAT IT  
DOES AND WHAT IT DOESN'T DO.

LIKE EVERYTHING ELSE, SOMETIMES MISINFORMATION GETS OUT THERE AS WELL.

SO WANT TO MAKE SURE COUNCILOR WU HAS AN OPPORTUNITY TO DEFINE AND DESCRIBE HER ORDINANCE. CHAIR RECOGNIZES COUNCILOR MICHELLE WU.

>> THANK YOU, MR. CHAIRMAN. AND GOOD MORNING TO EVERYONE WHO IS WITH US IN THE CHAMBER TODAY AND WHO -- THE MANY FOLKS WHO ARE PAYING ATTENTION AND WATCHING.

I KNOW THIS ORDINANCE HAS GOTTEN A LITTLE BIT OF INTEREST FROM SEVERAL DIFFERENT COMMUNITIES. MY GOAL HERE IS TO ENGAGE THE CITY COUNCIL IN A THOROUGH AND INCLUSIVE CONVERSATION ABOUT SCHEDULING PREDICTABILITY IN THE CITY OF BOSTON.

WE KNOW THAT THE CITY COUNCIL AND THE CITY'S AUTHORITY IS LIMITED IN TERMS OF WHAT THE SCOPE OF OUR LEGISLATION MAY COVER.

AND SO, THEREFORE, THE LAW THAT IS BEING PROPOSED, THE ORDINANCE THAT IS BEING PROPOSED WOULD ADD TO REQUIREMENTS ALREADY IN PLACE THROUGH THE LIVING WAGE ORDINANCE AND OTHER CITY-LEVEL LAWS THAT DEFINE WHAT WORK STANDARDS APPLY TO CITY EMPLOYEES AS WELL AS EMPLOYEES OF COMPANIES THAT ARE DIRECTLY CONTRACTING WITH THE CITY OF BOSTON.

IF ANYONE IS INTERESTED, MY OFFICE HAS A LIST OF THE FEW HUNDRED COMPANIES THAT THAT INCLUDES THAT ARE SUBJECT CURRENTLY TO THE LIVING WAGE ORDINANCE.

WHAT THIS ORDINANCE WOULD DO IS REQUIRE THAT COMPANIES HAVE -- AGAIN CONTRACTING WITH THE CITY OR THE CITY ITSELF WOULD OFFER EMPLOYEES THE ABILITY TO KNOW THEIR SCHEDULES AHEAD OF TIME AND HAVE UP TO TWO WEEK -- HAVE TWO WEEKS AT LEAST OF NOTICE. OF COURSE, THINGS HAPPEN IN A

COMPANY AND -- WHETHER IT'S UNEXPECTED ILLNESSES OR WEATHER EVENTS OR OTHER UNPREDICTABLE EVENTS.

THERE NEEDS TO BE FLEXIBILITY. I KNOW THAT.

I KNOW MANY BUSINESS OWNERS HAVE REACHED OUT TO ME ABOUT THAT. AND AS SOMEONE WHO RAN A SMALL BUSINESS BACK IN THE DAY, I UNDERSTAND HOW IMPORTANT IT IS TO BE ABLE TO ADAPT.

WHAT WE SEE NOW, THOUGH, IN TODAY'S ECONOMY AT LARGE IS A TREND THAT MORE AND MORE WORKERS ARE NOW HOURLY PART TIME OR EVEN LESS WORKERS.

THEY ARE JUGGLING MULTIPLE JOBS. AND WHEN THE UNPREDICTABILITY OF THEIR SCHEDULES COLLIDES WITH THE NEED TO SCHEDULE ADVANCED CHILDCARE, DOCTOR'S APPOINTMENTS, OTHER DAILY NECESSITIES OF THEIR LIVES, IT MAKES IT IMPOSSIBLE TO FUNCTION AS A FAMILY, AS A CONSUMER, AS A PART OF SOCIETY IN OUR COMMUNITY.

SO, A FEW STATISTICS TO FRAME THIS.

RIGHT NOW NATIONALLY MORE THAN FOUR OUT OF FIVE HOURLY PART-TIME WORKERS ORDERED THAT THEIR -- REPORTED THAT THEIR WEEKLY WORK HOURS FLUCTUATED 80% WEEK TO WEEK.

THIS LEADS TO HIGH LEVEL OF WORK FAMILY CONFLICTS AMONG THE WORKERS.

MORE THAN HALF OF MINIMUM-WAGE WORKERS SAY THEY HAVE TO WORK MORE THAN ONE JOB TO MAKE ENDS MEET, WHICH OFTEN LEADS TO PROBLEMS BALANCING THEIR SCHEDULES.

ONE -- 50% OF HOURLY WORKERS REPORT THAT THEIR EMPLOYER SCHEDULES THEM WITHOUT THEIR INPUT AND AMONG WORKERS OF COLOR, THIS IS EVEN HIGHER.

SO, THIS IS ABOUT THE RELATIONSHIP BETWEEN A FAMILY AND THEIR NEED TO HAVE SOME PREDICTABILITY IN HOW THEY

FUNCTION.

WE KNOW -- MY STRONG BELIEF IS THAT STABLE FAMILIES LEAD TO STABLE ECONOMIES, WHICH LEADS TO A STABLE CITY.

AND, AS WE SEE THE INCREASE OF HOURLY WORK, MORE AND MORE WORKERS BEING PULLED IN MULTIPLE DIRECTIONS BECAUSE OF THIS PART-TIME WORK, THIS IS A REASONABLE PROPOSAL THAT WOULD OFFER PREDICTABILITY TO THEIR LIVES.

CERTAINLY, AGAIN, CHANGES CAN HAPPEN WITHIN THAT TWO-WEEK TIME FRAME.

THERE ARE EXEMPTIONS IN HERE FOR WEATHER-RELATED INCIDENTS, FOR OTHER UNPREDICTABLE EVENTS THAT MAY COME UP.

AND EVEN IF IT IS NOT ONE OF THOSE EXEMPTIONS, THERE CERTAINLY CAN BE CHANGES TO SCHEDULES WITHIN TWO WEEKS. IF IT IS AN EMPLOYEE INITIATED CHANGE, THAT IS TOTALLY FINE. IF IT IS AN EMPLOYER-INITIATED CHANGE, THERE IS A PROVISION THAT THE EMPLOYEE WOULD BE COMPENSATED A CERTAIN AMOUNT FOR THAT CHANGE.

AGAIN, RECOGNIZING THAT THE CHANGE IS EXPENSIVE TO THEM. IT AFFECTS THEIR ABILITY TO HAVE THEIR KIDS, TO MAKE THEIR APPOINTMENTS, AND TO MAKE ALL THE PIECES OF THEIR LIVES FIT TOGETHER.

SO, I SUPPOSE, IN CLOSING, I JUST WANT TO EMPHASIZE THAT MUCH OF THE CONVERSATION ON THIS ORDINANCE TO DATE HAS BEEN ABOUT THE -- NOT NECESSARILY THIS LANGUAGE AND WHAT IT WOULD DO, BUT THE LARGER SIGNAL THAT IT WOULD SEND TO BEACON HILL AND TO STATE LEGISLATORS.

SO I THINK THERE'S A LOT OF ANXIETY IN THIS ROOM ABOUT SCHEDULING PREDICTABILITY AS STATE LEGISLATION.

I WOULD SAY THAT, YOU KNOW, IN -- AS A PERSON, AS AN INDIVIDUAL, I -- I SUPPORT

SCHEDULING PREDICTABILITY AT THE STATE LEVEL AS WELL. CERTAINLY, THERE NEEDS TO BE A COMPREHENSIVE CONVERSATION ABOUT HOW THAT HAPPENS, WHICH BUSINESSES ARE INCLUDED, WHAT THE DETAILS ARE, WHAT TIME FRAMES WHAT LEVELS OF -- OF COMPENSATION OR -- OR INCENTIVES INCENTIVES ARE BUILT IN.

BUT THAT LARGER CONVERSATION SHOULD NOT OVERSHADOW THE FACT THAT, WHEN THE CITY OF BOSTON HAS THE ABILITY TO ACT TO MAKE A CHANGE THAT COULD IMPROVE THE LIVES OF OUR RESIDENCE, PEOPLE WHO LIVE IN BOSTON, THE PEOPLE WHO WORK IN BOSTON, THAT I BELIEVE IT'S OUR OBLIGATION TO TAKE THAT ACTION.

AND SO, I WANT TO BE CLEAR THAT, AS WE'RE DISCUSSING THIS ORDINANCE, IT IS ABOUT THE RELATIVELY LIMITED UNIVERSE OF BUSINESSES THAT WE JURISDICTIONALLY WOULD BE ABLE TO REACH.

HOWEVER, IN TERMS OF THE LARGER ISSUE, I'M HAPPY TO BE PART OF THOSE CONVERSATIONS, HAPPY TO ENGAGE AND, FINALLY, I JUST WANT TO THANK EVERYONE FOR TAKING THE TIME TO BE HERE AND TO BE ENGAGED.

I KNOW, AGAIN, AS A FORMER SMALL BUSINESS OWNER, HOW IMPORTANT BUSINESSES ARE.

THEY ARE THE LIFEBLOOD OF OUR COMMUNITIES AND OUR NEIGHBORHOODS, AND I BELIEVE THAT OUR ROLE ON THE LEGISLATIVE SIDE IS TO HELP SHAPE THE BALANCE OF BUSINESS INTERESTS AND PARTICULARLY HERE I'M TALKING ABOUT LARGER CORPORATE INTERESTS WITH THE INTERESTS AND THE NEEDS OF FAMILIES AND INDIVIDUALS, RESIDENTS, OUR RESIDENTS AND OUR NEIGHBORS IN THE CITY OF BOSTON.

THANK YOU VERY MUCH.

>> THANK YOU, COUNCILOR WU. DIRECTOR WYNN HAS ARRIVED FROM THE CITY OF BOSTON'S OFFICE OF

WORK FORCE DEVELOPMENT.  
SO, IF YOU'D LIKE TO COME DOWN  
TO BE THE FIRST PANEL, TRIN.  
GOOD MORNING, TRIN.  
IF YOU COULD JUST INTRODUCE  
YOURSELF FOR THE RECORD AND THEN  
YOU HAVE THE FLOOR TO GIVE  
INTRODUCTORY REMARKS ON THIS  
ORDINANCE AND THEN ENGAGE IN THE  
QUESTION-AND-ANSWER.

>> GOOD MORNING.

COUNCILOR MICHAEL FLAHERTY, IN  
ADDITION TO THE ATTENDEES HERE  
AS WELL, MY NAME IS TRIN WYNN  
AND I'M THE -- AT THE PLEASURE  
OF SERVING MAYOR WALSH IN THE  
OFFICE -- THE MAYOR'S OFFICE OF  
WORKFORCE DEVELOPMENT.  
I'M THE DIRECTOR THERE FOR THE  
LAST ALMOST FIVE YEARS.  
IT'S HARD TO BELIEVE, BUT TIME  
DOES FLY BY.

OUR OFFICE IS ENGAGED WITH  
COMMUNITY PARTNERS, RESIDENTS,  
ADVOCACY GROUPS, ALSO EMPLOYERS,  
AS WELL, TO DESIGN JOB QUALITY  
PROGRAMS AND TRAINING IN  
EDUCATION FOR BOSTON RESIDENTS.  
WE OVERSEE THE MASS HIRES CAREER  
CENTERS IN THE BOSTON AREA,  
WHICH SERVES ABOUT 15,000 TO  
20,000 JOB-SEEKERS THROUGHOUT  
THE GREATER BOSTON, BUT  
PRE-.COM NONTLY IN THE --  
PREDOMINANTLY IN THE BOSTON  
AREA.

WE'RE ALSO OVERSEEING THE LIVING  
WAGE ORDINANCE, ALSO THE WAGE  
EXECUTIVE ORDER FROM MAYOR WALSH  
SINCE 2015 AS WELL.

WE HAVE DESIGNED BOSTON HIRES  
PROGRAM, WHICH IS TO PROMOTE JOB  
QUALITIES FOR BOSTON RESIDENTS  
IN THE CITY.

AS WE ALL KNOW THAT BOSTONIANS  
DO NOT HAVE A CHALLENGE WITH  
OBTAINING JOBS.

HOWEVER, THE MAIN CHALLENGE IS  
TO -- THE -- ONE OF THE MAIN  
CHALLENGES TO HAVE BOSTONIANS  
OBTAIN CAREER PATHWAY JOBS, JOBS  
THAT PROVIDE THEM WITH UPWARD  
MOBILITY, FAMILY-SUSTAINING  
WAGES SO THAT THEY CAN PROVIDE

FOR THEIR FAMILIES AND CONTINUE TO THE ECONOMIC MOBILITY OF THE CITY AS WELL.

SO THAT'S A HEALTHY CITY.

AND RIGHT NOW, FOR BOSTON HIRES, WE HAVE 33 EMPLOYERS IN GREATER BOSTON WHO PARTICIPATES IN GOOD QUALITY JOBS.

SO WE KNOW THAT EMPLOYERS DO WANT TO PROVIDE CAREER PATHWAYS TO RETAIN THEIR EMPLOYEES AND TO ALSO RECRUIT AND RETAIN TALENT IN THE CITY OF BOSTON.

SO WE KNOW THAT THAT KIND OF JOB QUALITY NARRATIVE AND PUSH IS VERY RECEPTIVE TO EMPLOYERS, ESPECIALLY THE ONES THAT WE WORK WITH.

SO, WE'RE HERE TO LISTEN AND LEARN ABOUT THE ORDINANCE AND PROVIDE ANY SUPPORT, ANSWER ANY QUESTIONS YOU MAY HAVE.

>> THANK YOU VERY MUCH, TRINH. A QUESTION, YOU HAVE A NUMBER OF GREAT PROGRAMS, ONE THAT JUMPS OUT AT ME IS THE BOSTON HIRES PROGRAM.

SO, WOULD -- HOW -- I GUESS IF THIS ORDINANCE WAS TO PASS, HOW WOULD THE BOSTON -- HOW WOULD YOUR OPERATION WITH BOSTON HIRES, HOW WOULD THAT BE IMPACTED BY ANY OF THE PROVISIONS OF THIS ORDINANCE?

>> SO THE BOSTON HIRES IS A -- IT'S A CAMPAIGN TO PROMOTE GOOD JOB QUALITY PRO-- GOOD JOBS IN THE CITY OF BOSTON.

AND IT IS AIMED AT BY 2025, WE'D LIKE TO HIRE 25,000 BOSTON RESIDENTS IN NEW GOOD QUALITY JOBS IN THE CITY OF BOSTON.

AND THE CITY OF BOSTON IS ONE OF THE MAJOR EMPLOYERS FOR THAT. RIGHT NOW, WE HAVE APPROXIMATELY 3,000 NEW HIRES IN THE PROGRAM SINCE WE'VE COUNTED THE MEMBERS IN THE LAST SIX MONTHS.

SO, THIS ORDINANCE IS -- WILL COMPLEMENT OUR NARRATIVE AND OUR MESSAGE AND OUR PRINCIPLES AND VALUES AROUND GOOD, QUALITY JOBS.

HOWEVER, AN ORDINANCE IS

LEGISLATE -- HAS A DIFFERENT COMPLIANCE MECHANISM VERSUS BOSTON HIRES.

BOSTON HIRES IS A VOLUNTARY PROGRAM, WHICH EMPLOYERS SIGN UP AND THEY DO A SURVEY TWICE A YEAR TO LET US KNOW HOW MANY BOSTON RESIDENTS HIRE AT A MINIMUM OF LIVING WAGES AND HOW MANY OF THOSE NEW JOBS THAT THEY HIRED HAVE EMPLOYER-SPONSORED BENEFITS.

THIS MANDATE IS MORE COMPLIANT STRUCTURED.

SO WE REALLY -- WE DO HAVE TO PROBABLY MAKE -- BECAUSE IT'S TIED TO CITY CONTRACTS, WE'LL PROBABLY GO INTO -- HAVE TO INTEGRATE IT INTO OUR LIVING WAGE ORDINANCE, WHICH IS VERY PARALLEL TO THE COMPLIANCE. IT WOULDN'T BE MUCH WORK AT ALL IN TERMS OF -- OF LOOKING AT WAYS IN WHICH WE CAN IMPLEMENT IT.

BUT THERE IS A QUESTION OF WHAT KIND -- HOW MANY CITY CONTRACTS WILL BE IMPACTED BY THIS ORDINANCE IF IT WERE TO PASS.

>> OKAY.

WE'VE BEEN JOINED BY COUNCILOR ANNISSA ESSAIBI GEORGE.

FROM YOUR VANTAGE POINT, WHO WERE SORT OF THE TOP THREE OR THE TOP FIVE VENDORS FOR THE CITY?

AND NOT NECESSARILY LIKE THE ACTUAL COMPANY, BUT THE TYPES OF SERVICES PROVIDING THE CITY?

>> SO, WE HAVE A BROAD-BASE OF -- BROAD BASE OF COMMUNITY BASE AND NONPROFITS, HOSPITALS, AND THEN THE HOSPITALS WHO HAVE JOB TRAINING PROGRAMS WHO OBTAIN OUR GRANTS, EVEN IF IT'S 25 OR \$50,000 GRANTS, THE ENTIRE TOTAL CONTRACT OF THE CITY IS -- FROM THE CITY SIM PACTED BY IT -- IS IMPACTED BY IT.

SO PROBABLY ABCD IS ONE OF OUR LARGEST AS WELL.

AND ALSO OUR MOP HIRES PROGRAM WHICH IS CAREER CENTERS THAT EMPLOY ABOUT 25 TO 50 TO 100



STAFF AT THE SAME TIME.

SO, PREDOMINANTLY NONPROFITS,  
UNIVERSITIES, BOSTON UNIVERSITY  
IS A MAJOR EMPLOYER BECAUSE THEY  
ALSO OBTAIN A CITY CONTRACT  
THROUGH THE BOSTON PUBLIC  
SCHOOLS.

SO, PREDOMINANTLY NONPROFITS WHO  
OBTAIN IT -- THERE -- THERE ARE  
OTHER VENDORS FOR WASTE  
MANAGEMENT, JANITORIAL AND THE  
MAINTENANCE CONTRACTORS AS WELL.  
SO SOME OF THAT -- THOSE ARE THE  
MAJOR VENDORS.

BUT, AS YOU KNOW, THERE IS A  
PROPOSAL FOR THE MAINTENANCE AND  
JANITORIAL CONTRACTS THAT THE  
MAYOR HAD PROPOSED, WHICH IS TO  
HAVE THOSE VENDORS AND THOSE  
CONTRACTS BE PARALLEL TO THE  
STATE PREVAILING WAGE, WHICH IS  
NOT THE LIVING WAGE.

SO, WE HAVE STATE PREVAILING  
WAGES IN CERTAIN SECTORS VERSUS  
MUNICIPAL.

SO WE HAVE TO SEGMENT THEM OUT  
DEPENDING ON WHO OBTAINS THOSE  
CONTRACTS.

>> OKAY.

THANK YOU VERY MUCH.

COUNCILOR WU?

>> THANK YOU.

HI.

>> HI, MICHELLE.

I JUST WANT TO GO THROUGH  
PIECE BY PIECE THE GROUPS THAT  
WOULD BE AFFECTED AND GO A  
LITTLE FURTHER ON THE CHAIRMAN'S  
QUESTIONING.

SO, PRIMARILY WOULD BE CITY  
EMPLOYEES.

RIGHT?

SO WOULD THIS CHANGE AT ALL ANY  
PRACTICES THAT THE CITY OF  
BOSTON ALREADY DOES?

TO YOUR KNOWLEDGE, DOES THE CITY  
ALREADY FOR THE MOST PART  
OFFERING SCHEDULING  
PREDICTABILITY TO DIRECT CITY  
EMPLOYEES?

>> SO, THOSE WHO ARE -- THOSE  
WHO HAVE CONTRACTS THAT ARE --  
THAT ARE TIED TO THE LIVING WAGE  
ORDINANCE WHO ARE DOING -- WHO

OBTAIN CITY CONTRACTS, SO, FOR THE LIVING WAGE ORDINANCE, IT IS SIMPLY ABOUT MEETING THE LIVING WAGE.

IT IS NOT TIED TO FLEXIBLE SCHEDULES, PROVIDING A SIT-DOWN WITH THE -- MAINLY THE LOWER-WAGE STAFF TO REALLY PLAN OUT WHAT THEIR SCHEDULES WILL LOOK LIKE ON FLEXIBILITY AND ALSO SCHEDULES SO THAT THEY CAN MANAGE THEIR WORK AND LIVE AS WELL.

SO RIGHT NOW, WE ACTUALLY DON'T HAVE THAT PROVISION, WHICH IS -- >> I'M NOT EVEN TALKING ABOUT LIVING WAGE VENDOR EMPLOYEES YET.

>> YEAH. I'M JUST TALKING ABOUT DIRECT CITY -- SO, YOU KNOWING, FOLKS WHO WORK -- YOU KNOW, FOLKS WHO WORK UPSTAIRS OR AT 1010 MASS AVENUE.

TO THE BEST OF YOUR KNOWLEDGE, DO CITY WORKERS WHO ARE PAID DIRECTLY FROM THE CITY AND PARTS OF VARIOUS UNIONS OR BARGAINING UNIONS, IS THERE SCHEDULING PREDICTABILITY?

>> SO, I HAVE TO DEFER THAT QUESTION TO OUR HR DIRECTOR, VIVIAN LEONARD AND OUR CHIEF OF STAFF, DAVE SWEENEY, WHO OPERATES AND WHO OVERSEES CITY EMPLOYEES ABOUT 35,000 OF THEM. WE ONLY WORK WITH COMPLIANCE, LIVING WAGE ORDINANCE, GRANTS MANAGEMENT ON A FEDERAL AND STATE GRANTS AND THE ONE-STOP CAREER CENTERS.

SO I WOULD HAVE TO DEFER THAT QUESTION.

>> OKAY. SO GOING BACK ON THE LIVING WAGE ORDINANCE AND THE -- WHAT THAT COVERS, SO, YOUR OFFICE HELPFULLY SENT OVER A LIST THAT I'LL SHARE WITH MY COLLEAGUES AND ANYONE ELSE WHO IS INTERESTED OF 389 VENDORS WHO WERE CATEGORIZED AS LIVING WAGE CONTRACTORS IN FY18. DOES THAT SOUND ABOUT RATE

RIGHT?

>> YES.

AND THIS WOULD BE ESSENTIALLY --  
THE ORDINANCE WAS WRITTEN SO  
THAT IT WOULD FIT VERY EASILY  
WITH THE SAME COMPLIANCE  
MECHANISM AS YOU SAID.

>> CORRECT.

SO THE INTENT AND THE GOAL IS  
FOR THIS LIST OF COMPANIES TO BE  
THE SAME THAT WOULD BE AFFECTED  
BY THE ADDITIONAL REQUIREMENTS  
ABOUT SCHEDULING PREDICTABILITY.

>> YES.

I MEAN, WE WOULD -- WE WOULD  
PROBABLY HAVE TO ADD ANOTHER  
COMPLIANCE MEASURE TO THE LIVING  
WAGE ORDINANCE, PROBABLY ANOTHER  
FORM THAT THEY HAVE TO FILL.  
SO, THE CHALLENGE OF THAT  
WOULDN'T BE -- IT -- IT -- IT  
WOULD NOT BE A LOT OF WORK TO DO  
THAT.

BUT THE REAL QUESTION IS, HOW  
WOULD AN ORDINANCE LIKE THIS  
IMPACT ALL CITY EMPLOYEES?  
WHICH IS VERY DIFFERENT FROM,  
YOU KNOW, CITY VENDORS.  
OBVIOUSLY, THE CITY VENDORS POOL  
IS MUCH SMALLER THAN CITY  
EMPLOYEES IN THE CITY OF BOSTON.

>> HOW MANY EMPLOYEES DO YOU  
THINK IS THAT CITY VENDOR POOL  
ALTOGETHER?

>> ABOUT 3,000 TO 4200 DEPENDING  
ON THE SIZE OF THE CONTRACT IN  
EACH YEAR.

WE ARE -- THE LIVING WAGE  
ADVISORY COUNCIL IS WORKING TO  
EXPAND THE -- THE LIVING WAGE  
ORDINANCE TO QUASIS, WHICH ARE,  
YOU KNOW, THE BOSTON PUBLIC  
HEALTH COMMISSION, THE BOSTON  
PLANNING AND DEVELOPMENT AGENCY,  
THE ECONOMIC DEVELOPMENT  
INDUSTRIAL CORPORATION.  
THOSE ARE WHAT WE CALL QUASIS.  
AND THE BOSTON HOUSING  
AUTHORITY, FOR EXAMPLE, THOSE  
ARE WHAT WE CALL QUASI STATE.  
AND SO THEY ARE -- I'M SORRY,  
QUASI CITY AND SO THEY'RE NOT  
NECESSARILY SUBJECT TO THE  
LIVING WAGE ORDINANCE.

BUT RIGHT NOW WE'RE SLOWLY TRYING TO HAVE CONVERSATIONS WITH THE HEAD OF THOSE QUASIS TO GET THEM INVOLVED IN THE LIVING WAGE ORDINANCE.

>> MEANING EXPANDING IT TO THE COMPANIES THAT THEY'RE CONTRACTING -- THEIR VENDORS.

>> CORRECT.

OKAY.

WE'RE ALSO HAVING CONVERSATIONS ABOUT HAVING CITY-OWNED LAND LEASES AND LANDS SUBJECT TO LIVING WAGE ORDINANCE.

AND SO, ONCE YOU EXPAND THAT POOL, THEN YOU START TO TALK ABOUT IMPACTING THE NUMBERS.

>> OKAY.

JUST HYPOTHETICALLY, SO THE CITY OF BOSTON HAS A CONTRACT WITH COMCAST.

WE'RE CURRENTLY BEING VIEWED RIGHT NOW ON COMCAST CHANNEL 8. CAM CUST AS YOU KNOW IS A HUGE COMPANY.

>> THAT'S RIGHT.

MUCH BIGGER THAN 3,000 TO 4200 EMPLOYEES AND THEY HAVE A TECHNICIAN OR A -- ONE OF THE WORKERS, MALE OR FEMALE, THAT'S GOING TO REPAIR AND IT'S A PART-TIME POSITION.

DOES THIS IMPACT COMCAST?

>> SO, COMCAST IS NOT PART OF THE LIVING WAGE ORDINANCE COMPLIANCE.

AND I WOULD HAVE TO DEFER TO THE GENERAL COUNSEL'S DEPARTMENT FOR THE NUANCES OF THAT AND THE AUDITING DEPARTMENT FOR NUANCES OF THAT.

>> COMPANIES LIKE THAT, JUST THEY'RE PROVIDING A SERVICE OR WE'RE CONTRACTING WITH THEM. THEY'RE A BIGGER COMPANY, AND JUST NOT SURE WHETHER OR NOT THIS ORDINANCE NOW APPLIES TO THEM.

AND AGAIN --

>> CORRECT.

-- IF THEY HAVE SPLIT SHIFTS OR IF THEY HAVE PART-TIME SHIFTS --

[ OFF-MIC ]

>> YOU CANNOT DO THAT.  
AT THE APPROPRIATE TIME, MA'AM,  
YOU'LL HAVE THE OPPORTUNITY TO  
BE HEARD.  
[ OFF-MIC ]  
>> YEP, THERE WILL BE PUBLIC  
TESTIMONY.  
YOU HAVE TO SIGN YOUR NAME AND  
AFFILIATION ON THIS SHEET.  
>> OFF-MIC ]  
ALL RIGHT.  
YOU CAN DO THAT.  
THERE'S ANOTHER -- THERE'S  
ANOTHER SIGN-UP SHEET OVER  
THERE, MA'AM.  
IF YOU -- FEEL FREE TO FILL OUT  
THAT INFORMATION, AND AT THE  
APPROPRIATE TIME, I'LL BE  
CALLING FOR PUBLIC TESTIMONY.  
AND YOU WILL HAVE THE FLOOR.  
>> HER NAME IS ON HERE.  
ACTUALLY, YOUR NAME IS ON  
HERE.  
SO AS SOON AS WE GET TO THE  
PUBLIC TESTIMONY PORTION, YOU'LL  
GO.  
[ OFF-MIC ]  
>> OKAY.  
GOTCHA.  
VERY GOOD.  
THANK YOU, MA'AM.  
SO, TRINH IF YOU COULD FOLLOW UP  
ON THAT.  
>> ANY OTHER QUESTIONS,  
COUNCILOR WU?  
>> SURE.  
THERE WERE SOME SPECIFIC  
QUESTIONS THAT REPRESENTATIVES  
OF DIFFERENT SORBIATIONS HAD  
BROUGHT TO ME ABOUT --  
ASSOCIATIONS HAD BROUGHT TO ME  
ABOUT WHAT WOULD BE COVERED.  
ABOUT WE TALKED ABOUT THIS  
SPECIFIC LIST.  
BUT I THINK IT COULD BE HELPFUL  
TO JUST PUSH A LITTLE BIT ON  
WHAT YOU WERE SAYING.  
SO, ACROSS THE STREET, FOR  
EXAMPLE, FANEUIL HALL IS CITY  
OWNED, LEASED TO THE B.R.A., AND  
THEN LEASED AGAIN TO ASH KIN  
AZZI WHO THEN HAS THE MASTER  
LEASE AND FINDS ALL THE  
SPECIFIC VENDORS.

BUT EACH OF THOSE, FOOD OPERATORS OR BUSINESSES IN FANEUIL HALL ARE NOT CURRENTLY SUBJECT TO LIVING WAGE.

>> CORRECT.

UNFORTUNATELY, NO.

>> AND THE PUSH THAT YOU WERE MENTIONING ABOUT TRYING TO EXPAND THAT TO CITY-OWNED LAND THAT IS LEASED, THAT WOULD THEN INCORPORATE THEM AS WELL?

>> CORRECT.

INTERESTING.

OKAY.

>> AND THERE ARE SOME LEGAL NUANCES ABOUT LEASEES AND SUBCONTRACTORS VERSUS SUBCONTRACTORS.

AND SO OUR LAW DEPARTMENT WOULD BE MUCH MORE EQUIPPED TO ANSWER SOME OF THOSE QUESTIONS.

>> ARE ALL THE -- AND I'M GOING TO ASK IT ANYWAY.

>> SURE.

ARE ALL THE 389 VENDORS ON THIS LIVING WAGE CONTRACTOR LIST DIRECT CONTRACTORS THEN AND NOT THE SUBS?

>> DIRECT CONTRACTS, YES, OF COURSE.

>> OKAY.

AND DO YOU -- DO WE KNOW HOW MANY OF THESE ACTUALLY PERFORM THE WORK WITH SUBCONTRACTORS OR SUBVENDORS?

>> I COULD GET THAT INFORMATION FOR YOU.

>> OKAY.

AND DO YOU ALL HAVE -- YOU HAVE THE BREAKDOWN VENDOR BY VENDOR OF HOW MANY EMPLOYEES THEY HAVE?

>> YES.

AND IN THE LAST 3 1/2 YEARS, WE HAVE BEEN TRY -- WE HAVE BEEN PUTTING -- WE HAVE BEEN ORGANIZING THE DATA WE'RE COLLECTING TO INCLUDE SOCIAL DEMOGRAPHICS CENSUS TRACK SO WE'LL KNOW WHO LIVES WHERE AND HOW MANY PEOPLE HAVE BEEN IMPACTED BY IT.

AND WE'RE TRYING TO OBTAIN DATA AROUND RACE AS WELL, SO THAT WE'LL KNOW WHAT THE IMPACT --

HOW IT IMPACTS THE HARDEST-HIT  
COMMUNITIES IN BOSTON.

>> OKAY.

OKAY.

AND THEN MY LAST QUESTION IS, SO  
WHAT IS YOUR GENERAL VIEW OF THE  
ORDINANCE AND WHETHER THIS  
SHOULD BE IMPLEMENTED?

>> I -- I THINK THAT IT IS  
SOMETHING THAT WE SUPPORT.  
WE LOVE TO LISTEN AND LEARN  
ABOUT HOW IT'S IMPACTING  
BUSINESSES AND EMPLOYERS,  
BECAUSE, OBVIOUSLY, THEY ARE A  
BIG STAKEHOLDER IN THE CITY OF  
BOSTON AND FOR OUR WORK BECAUSE  
AT THE END OF THE DAY, THEY HIRE  
THE RESIDENTS OF BONE.

SO IT'S IMPORTANT -- BOSTON.

SO IT'S IMPORTANT FOR US TO  
LISTEN AND EARN WILL.

>> -- LEARN.

[ OFF-MIC ]

>> MA'AM, THANK YOU, MA'AM.  
APPRECIATE IT.

>> AND THEN WE CAN TALK ABOUT  
WHAT THE IMPACT OF THAT WOULD  
BE.

WE CAN RUN SOME NUMBERS ON THE  
VENDORS, THE CONTRACTS WOULD BE  
IMPACTED AND ALSO HOW MANY  
WORKERS WOULD BE IMPACTED BY IT.

WE WOULD ALSO LIKE TO ROLL OUT  
SOME KIND OF EVALUATION LIKE WE  
DID WITH UMASS BOSTON, WITH OUR  
HEALTH INITIATIVE, HEALTH IMPACT  
ASSESSMENT THAT WE DID 3 1/2  
YEARS AGO WITH THE BOSTON PUBLIC  
HEALTH COMMISSION.

AND SO, JUST LOOKING AT THE  
IMPACT AND TRYING TO MAKE  
IMPROVEMENTS TO THE ORDINANCE IF  
IT PASSES.

BUT, YES, WE DO SUPPORT IT.

>> OKAY.

THANK YOU.

>> THANK YOU.

CHAIR RECOGNIZES CITY COUNCILOR  
ANNISSA ESSAIBI GEORGE.

>> THANK WU, CHAIR.

I'M CURIOUS ABOUT THE IMPACT OF  
THE BOSTON CITY SCHOOLS AND  
SUBSTITUTES IN PARTICULAR  
BECAUSE MANY SUBS ARE CALLED IN

THE NIGHT BEFORE OR THE MORNING  
OF TO COVER A TEACHER THAT IS  
NOT IN SCHOOL THAT DAY.

>> SO, WE DO HAVE A CONTRACT  
WITH BOSTON UNIVERSITY WORKING  
WITH THE BOSTON PUBLIC SCHOOLS  
ON A SUMMER LEADERSHIP  
INSTITUTE.

SO, THAT'S THE ONLY CONTRACT  
THAT WE HAVE UNDER THE LIVING  
WAGE ORDINANCE.

AND THIS ISN'T ABOUT -- I  
UNDERSTAND THE LIVING WAGE  
ORDINANCE, BUT WE'RE TALKING  
ABOUT CITY DEVELOPERS IN WHICH  
WE HAVE -- VENDORS IN WHICH WE  
HAVE JURISDICTION OVER  
COMPLIANCE.

AND SO, THAT IS NOT WHAT -- THAT  
IS NOT COVERED UNDER THE LIVING  
WAGE, MEANING ALL OF THE BOSTON  
PUBLIC SCHOOLS, VENDORS AND  
CONTRACTS ARE NOT ALL COVERED  
UNDER THE LIVING WAGE ORDINANCE.

>> SO WHAT ABOUT INDIVIDUALS WHO  
ARE BASICALLY PER DIEM  
EMPLOYEES?

AND THERE IS WITH -- YOU KNOW,  
THERE ARE BUILDING SUBS, FOR  
EXAMPLE -- SUBSTITUTE TEACHERS  
BUT THEN THERE ARE PER DIEM SUBS  
THAT AREN'T ASSIGNED TO A SCHOOL  
BUT GET A CALL THE MORNING OF TO  
FILL IN FOR SOMEONE WHO'S  
ABSENT?

>> UNFORTUNATELY, THAT IS NOT  
COVERED UNDER THE LIVING WAGE  
ORDINANCE.

WHEN -- WHEN THEY HAVE THEIR  
SUBCONTRACTORS, ONLY TO THEIR  
MAIN CONTRACTORS AND VENDORS.  
SO IF THEY WERE SUBBING THAT OUT  
AND THEY WERE CONTRACTING THAT  
OUT, THAT IS NOT PART OF THE --  
THE OVERALL COMPLIANCE STRUCTURE  
THAT WE HAVE.

FURTHERMORE, NOT ALL OF BOSTON  
PUBLIC SCHOOLS CONTRACTS ARE  
SUBJECT TO LIVING WAGE  
ORDINANCE.

THERE ARE SOME EXEMPTIONS UNDER  
GOODS AND SERVICES IS.

-- GOODS AND SERVICES.

>> THESE ARE EMPLOYEES.



THESE ARE INDIVIDUALS, THOUGH.

>> CORRECT.

I THINK TO THE CHAIR --

YES, I CAN TAKE A CRACK AT IT.

BASICALLY, THE SECTION OF THE ORDINANCE THAT WOULD DEFINE THAT WOULD BE A COMBINATION OF THE DEFINITIONS OF COVERED EMPLOYER, WHICH INCLUDES THE CITY OF BOSTON AND ANY FIRM, VENDOR, CONTRACTOR OR SUPPLIER OF GOODS, WHICH IS BASICALLY THE CITY, INCLUDING ALL OF ITS DEPARTMENTS, INCLUDING BPS AS WELL AS ALL THE VENDORS THAT TRINH'S OFFICE OVERSEES.

THEN UPON HIRING AN EMPLOYEE, A COVERED EMPLOYER SHALL PROVIDE AN EMPLOYEE WITH A WRITTEN GOOD-FAITH ESTIMATE OF THE EMPLOYEE'S WORK SCHEDULE.

SO, BASICALLY, THIS IS ABOUT NOT HAVING LAST-MINUTE CHANGES TO THE SCHEDULE BUT A SUB BY NATURE WHEN THEY SIGN ON TO THE JOB, THE PREDICTION OF WHAT THEIR SCHEDULE WILL BE IS THAT THAT'S THE NATURE OF IT.

SO THIS IS -- THIS IS NOT AT ALL ABOUT THAT TYPE OF WORK AND MORE JUST IF SOMEONE HAS A SCHEDULE, IT CAN'T BE -- IT NEEDS TO BE A GOOD-FAITH PREDICTION OF WHAT THEIR SCHEDULED WILL BE AND IT CAN'T BE CHANGED AT THE LAST MINUTE SOLELY BECAUSE OF THE EMPLOYER'S NEEDS.

>> OKAY.

DO YOU HAVE ANY QUESTIONS?

NO.

THANK YOU, TRINH.

IF YOU COULD STAY IN THE GALLERY.

WE'RE GOING TO GO TO THE SECOND PANEL.

BOB IS HERE FROM PRESIDENT, CEO OF THE MASS RESTAURANT ASSOCIATION.

I'M GOING TO ASK JEREMY THOMPSON, SENIOR POLICY ANALYST, BUDGET AND POLICY CENTER TO COME DOWN AS WELL.

AND ALSO, I KNOW THAT BOTH

STUART COLEMAN AND PAT  
McNAMARA ARE HERE.  
IF ONE OF YOU WANT TO  
PARTICIPATE IN THIS PANEL FROM  
THE MASS STAFFING ASSOCIATION,  
YOU ARE WELCOME TO COME DOWN AND  
JOIN PANEL 2.

I KNOW I RECEIVED A NUMBER OF  
PHONE CALLS FROM STAFFING  
COMPANIES.

SO, BOB, WE'RE GOING TO KEEP THE  
FLOW GOING.

IF YOU COULD INTRODUCE YOURSELF  
FOR THE RECORD AND YOU HAVE THE  
FLOOR TO TALK ABOUT THIS  
ORDINANCE.

>> SURE.

THANK YOU VERY MUCH, COUNCILORS  
AND CHAIRMAN, FOR HAVING US HERE  
TODAY AND LISTENING TO US AND  
CALLING UPON US.

BOB LAW, PRESIDENT AND CEO OF  
THE MASSACHUSETTS RESTAURANT  
ASSOCIATION.

AND LET ME START BY SAYING,  
THOUGH WE RECOGNIZE THAT THIS IS  
INITIALLY ABOUT CONTRACTORS THAT  
DO BUSINESS WITH THE CITY, AS WE  
JUST HEARD, THERE'S SOME  
QUESTIONS AS TO HOW FAR REACHING  
IT WOULD BE IN TERMS OF FANEUIL  
HALL.

OBVIOUSLY, THERE'S A NUMBER OF  
DIFFERENT OPERATORS THERE,  
RETAIL, RESTAURANTS, FOOD AND  
BEVERAGE.

SO, WE HAVE CONCERNS ABOUT THAT.  
WE ALSO HAVE CONCERNS BECAUSE OF  
THE RESPECT THAT BOSTON HAS.  
THINGS THAT HAPPEN HERE ARE  
OFTEN REPLICATED THROUGHOUT THE  
STATE.

AND SO -- AND, YOU KNOW,  
COUNCILOR WU, AS YOU POINTED OUT  
EARLIER, LEGISLATIVE THINGS --  
LEGISLATIVE THINGS TEND TO GET  
LOOKED AT AS WELL.

BEFORE I START, COUPLE STATS  
THAT -- COUPLE THINGS THAT I'D  
LIKE TO SAY JUST IN GENERAL TO  
MAKE SURE THAT WE FRAME THIS.  
IN MASSACHUSETTS, THE INDUSTRY  
THAT IS THE NUMBER TWO EMPLOYER  
OF EMPLOYEE -- OF EMPLOYEES OF

HEAD COUNTS IN THE STATE, SECOND ONLY TO HEALTH-CARE, IS THE FOOD AND BEVERAGE INDUSTRY, RESTAURANTS.

A NUMBER OVER 300,000.

WE'RE TALKING ABOUT A SIGNIFICANT AMOUNT OF EMPLOYEES. ONE IN THREE GET THEIR FIRST JOB IN A RESTAURANT.

ONE IN TWO IN THEIR LIFETIME WILL WORK IN A RESTAURANT.

SO, THIS IS NOT AN INSIGNIFICANT ISSUE WHEN IT COMES TO OUR WORKFORCE.

AND SECONDLY, THAT WORKFORCE IN ANY SURVEYS THAT YOU SEE AND THEY HAVE DONE -- AND I SPENT MY LIFE IN HUMAN RESOURCES WITHIN THE INDUSTRY BEFORE COMING TO THIS POSITION, SO I'VE SEEN A HOST OF THEM -- I CAN TELL YOU THAT THE NUMBER ONE THING ABOUT -- THAT EMPLOYEES STATE ABOUT THEIR JOB SATISFACTION IS THE FLEXIBILITY THAT THIS -- THAT THIS CAREER ALLOWS THEM. FLEXIBILITY IN SCHEDULING.

IT IS THE NUMBER ONE THING THEY ASK FOR.

IT IS THE NUMBER ONE THING THAT THEY LOOK FOR.

SO, WHILE WE RECOGNIZE THE INTENT OF PREDICTIVE SCHEDULING LEGISLATION, WE CERTAINLY BELIEVE RESTAURANTS SHOULD BE EXEMPT FROM ANY PROPOSAL.

AS I SAID, HUNDREDS OF THOUSANDS -- AND BOSTON IS THE EPICENTER OF THOSE HUNDREDS OF THOUSANDS -- CHOOSE TO WORK IN THE INDUSTRY SOLELY FOR HAVING FLEXIBLE HOURS.

IT'S THE CAREER CHOICE FOR MANY WORKING MOTHERS AND SECOND INCOME EARNERS.

THE RESTAURANT INDUSTRY ALLOWS PEOPLE TO WORK NONTRADITIONAL HOURS AND MINIMIZED DESTRUCTION, BE IT CHILDCARE OR OTHER FAMILY MEMBER CARE, EDUCATIONAL DEMANDS, SO ON AND SO FORTH.

RESTAURANTS NEED TO BE VERY FLEXIBLE TO MEET THE DEMANDS OF THEIR CUSTOMERS -- OF THEIR CUSTOMER BASE AND ESPECIALLY

RESTAURANT OWNERS AS A WHOLE SHOULD BE ABLE TO DETERMINE THE STAFFING NEEDS AND HAVE FLEXIBILITY TO MEET THE DEMANDS OF THE CONSUMER.

RESTAURANTS ROUTINELY TAKE ACTION WITHOUT MANDATES TO MEET TEAM MEMBER NEEDS.

BECAUSE THIS IS AN ESSENTIAL PART OF TREATING THEIR EMPLOYEES WITH DIGNITY AND RESPECT, WHICH THEY HAVE TO DO, ESPECIALLY IN TODAY'S WORKFORCE.

WE ARE UNDERSTAFFED IN EVERY SINGLE OPERATION WITHIN THE STATE.

THERE ARE PROBABLY THREE ILLUSTRATIONS I'M GOING TO USE TO JUST -- OUT OF THE NUMBER TO JUST SHOW POTENTIALLY TROUBLING ASPECTS -- THE TROUBLING ASPECTS PART OF THIS LEGISLATION.

FIRST, AS COUNCILOR, YOU POINTED OUT, REST TRAUNTS CAN'T PREDICT WEATHER.

MANY RESTAURANTS NEED TO CLOSE, ESPECIALLY IN TODAY'S ENVIRONMENT, WHERE IT SEEMS ALL TOO OFTEN BECAUSE OF THE WAY WE WORK DIFFERENTLY TODAY, THE GOVERNOR COMES ON AS SOON AS SNOW STARTS AND TALKS ABOUT ALLOWING -- EMPLOYERS ALLOWING PEOPLE TO WORK FROM HOME.

SO QUITE OFTEN THE RESTAURANTS MIGHT NEED TO CLOSE SIX, SEVEN TIMES A SEASON DUE TO SNOW AND OTHER CONDITIONS.

FURTHERMORE, AS WE ALL KNOW, OUR CUSTOMER BASE ENJOYS EATING OUTSIDE NOW.

AND SO WHERE THERE'S A LOT OF PATIOS AND THE CITY HAS BEEN PROACTIVE IN MAKING MORE PATIOS AVAILABLE, BUT THOSE PATIOS COME WITH WEATHER FLUCTUATIONS THAT DICTATE WHETHER WE'RE ALLOWED TO OPEN OR NOT.

YOU CAN ONLY IMAGINE THE FINANCIAL BURDEN THIS LEGISLATION WOULD HAVE ON OPERATORS WHO, TODAY -- AND PEOPLE FIND THIS HARD TO BELIEVE -- IF YOU'RE A VERY, VERY EFFICIENT WELL-RUNNING

RESTAURANT, 95 CENTS ON EVERY DOLLAR THAT YOU BRING IN GOES OUT TO COVER EXPENSES.

IT'S A VERY, VERY SMALL BOTTOM LINE.

SECOND ISSUE THE RESTAURANTS FACE AND -- AND CLEARLY CANNOT BE PREDICTED IS WHEN PEOPLE PASS AWAY.

YOU SAY, WELL, WHY WOULD THAT BE IMPORTANT?

BECAUSE MORE AND MORE IN TODAY'S ENVIRONMENT PEOPLE TURN TO RESTAURANTS FOR -- TO HAVE A RECEPTION OR A WELCOMING OR A REMEMBRANCE AFTER THESE EVENTS.

AND FOR US TO HAVE TO -- OUR EMPLOYEES LOOK FORWARD TO THOSE -- THEY SHOULDN'T LOOK FORWARD TO DEATH, BUT THEY LOOK FORWARD TO THE OPPORTUNITIES TO EARN EXTRA INCOME, BUT IF THERE'S A BURDEN PUT ON THE EMPLOYER THAT SAYS, YOU'RE GOING TO HAVE TO PAY FOR A NUMBER OF HOURS BEFORE THEY EVEN COME IN TO EARN THAT EXTRA MONEY, DUE TO AN UNFORESEEN EVENT, THAT'S JUST NOT FAIR.

AND LASTLY, MOST IMPORTANTLY, VERY OFTEN, SCHEDULING CHANGES ARE EMPLOYEE INITIATED.

ALTHOUGH THE LEGISLATION TAKES -- SLIGHTLY TAKES INTO ACCOUNT ANY CHANGES THAT THE EMPLOYEE INITIATES THEMSELVES, THE THRESHOLD IS NEARLY IMPOSSIBLE AS ANY SHIFT CHANGE NEEDS TO BE PROVIDED TO THE EMPLOYER IN WRITING.

THE FLEXIBILITY THAT I SPOKE OF EARLIER OF OUR INDUSTRY PROVIDES THE ABILITY THAT ALLOWS EMPLOYEES TO SWAP SHIFTS WITH LAST-MINUTE DEVELOPMENTS LIKE FAMILY OBLIGATIONS ON OUTSIDE COMMITMENTS, SCHOOL SCHEDULES, TESTS, CONCERTS, ANYTHING THAT THEY CHOOSE.

WHY SHOULD AN OPERATOR BE PUNISHED FOR AN EMPLOYEE CHOOSING TO ALTER HIS OR HER OWN SCHEDULE?

ONE THING TO CONSIDER IS THAT

MASSACHUSETTS ALREADY HAS PAID SICK LEAVE FOR ALL EMPLOYEES. EMPLOYEES CAN CALL OUT SICK ANYTIME THAT THEY WANT AND REALLY WITHOUT PROVIDING A REASON TO THE EMPLOYER. WITH.

THE SICK LAW, EMPLOYERS CANNOT MAKE EMPLOYEES FIND REPLACEMENTS FOR THEIR LOST SHIFTS.

THIS MEANS REPLACEMENTS NEEDS TO BE FOUND BY THE EMPLOYER.

IN THE RESTAURANT INDUSTRY, YOU CAN'T LEAVE THAT SECTION EMPTY. YOU HAVE TO REPLACE IT.

YOU CAN ENVISION THE REAL SNEAIO NOW OF -- SCENARIO FOR HAVING TO PAY TRIPLE WAGES.

AN EMPLOYEE CALLS OUT SICK. THE RESTAURANT NEEDS TO PAY THE PAY TO EMPLOYEE "A" AND "B." THAT'S THREE TIMES THE COST FOR ONE SHIFT.

MANY EMPLOYEES SEEK ADDITIONAL HOURS FROM THEIR EMPLOYER.

WHEN RESTAURANTS GET BIDDY BECAUSE OF THE SEASON, AN UNSCHEDULED EVENT OR FOR ANY OTHER REASON, MANY EMPLOYEES WELCOME THE ABILITY TO ADD EXTRA SHIFTS.

WHY WOULD AN EMPLOYER BE PUNISHED FOR GIVING THE EMPLOYEE AN OPPORTUNITY TO EARN EXTRA MONEY ON AN EXTREMELY BUSY NIGHT?

TWO PART OPS THE SPECIFIC LEGSLATION.

MASSACHUSETTS ALREADY HAS A REGULATION ON THE BOOKS REGARDING ON-CALL.

ALL EMPLOYERS MUST COMPENSATE ANY EMPLOYEE FOR ON-CALL TIME IF THE EMPLOYEE IS NOT ABLE TO EFFECTIVELY USE THE TIME TO HIS OR HER OWN PURPOSES.

REGARDING THE RIGHT TO REST BETWEEN SHIFTS, THIS IS A SOLUTION IN SEARCH OF A PROBLEM.

MANY WORKERS CHOOSE TO WORK SHIFTS IN CLOSE PROXIMITY TO EACH OTHER TO MINIMIZE IMPACTS OR TO ENSURE CONSECUTIVE DAYS AT HOME.

JUST LIKE A NURSE MAY CHOOSE TO WORK A DOUBLE SHIFT AS TO MINIMIZE THE NUMBER OF DAYS IN A WEEK HE OR SHE REPORTS TO WORK. COLLEGE -- COLLEGE KIDS WHO HAVE MULTIPLE SHIFTS ON WEEKENDS DO SO BECAUSE THEIR CLASSLOAD WILL NOT ALLOW THEM TO WORK DURING THE WEEK.

IT'S THEIR CHOICE.

WHY SHOULD THERE BE A DISINCENTIVE TO ALLOW EMPLOYEES TO WORK THESE SHIFTS?

ON BEHALF OF THE MRA, WE BELIEVE THAT RESTAURANTS SHOULD BE EXEMPT FROM ANY PROPOSAL THAT MICROMANAGES HOW THE OPERATION SHOULD BE RUN.

RESTAURANTS HAVE ONLY 14 MEAL PERIODS PER WEEK AND 5 HOURS PER DAY.

THEY NEED TO BE PROPERLY STAFFED WHEN CUSTOMERS COME OR CUSTOMERS DON'T COME BACK.

THANK YOU VERY MUCH.

>> THANK YOU, BOB.

COUNCILOR O'MALLEY JOINS US.

>> FOR THE RECORD MY NAME IS RYAN KERNEY, I'M GENERAL COUNSEL OF THE RETAIL ASSOCIATION OF THE STATE OF MASSACHUSETTS.

APPROXIMATELY 4,000 MEMBERS REPRESENTING THE RETAIL RESTAURANT AND WHOLESALE SECTORS OF THE RETAIL INDUSTRY.

RAM STRONGLY OPPOSES THIS PROPOSAL WHICH WILL SIGNIFICANTLY IMPACT BUSINESSES BY INTERFERING WITH EXISTING EMPLOYER-EMPLOYEE RELATIONSHIPS, REMOVING THE FLEXIBILITY OF CURRENT SCHEDULING PRACTICES AND IMPOSING UNNECESSARY COSTS IN THE FORM OF PREDICTABILITY PAY REQUIREMENTS AND ALSO COMPLIANCE PENALTIES.

WE'RE ALSO CONCERNED ABOUT THE IMPACT THAT THE MANDATE WILL HAVE ON BOSTON'S TAXPAYERS WHO ULTIMATELY WILL BE HOLDING TO PAY FOR THESE COSTS ON CITY CONTRACTS.

THE NEGATIVE IMPACT OF THIS ORDINANCE, ALBEIT LIMITED --

IT'S INTENDED TO BE LIMITED IN SCOPE IS FAR REACHING, NOT ONLY DIRECTLY IMPACT THOSE THAT ARE CONTRACTING WITH THE CITY BUT ALSO INDIRECTLY IMPACT THOSE INTERESTED IN CONTRACTING FOR THE CITY AND THOSE INDIVIDUALS BECAUSE OF THE WAY THE COVERED EMPLOYEE DEFINITION IS WRITTEN BUT THOSE BUSINESSES THAT WANT TO CONTRACT WITH INDIVIDUALS THAT ARE CONTRACTING WITH THE CITY.

IN PARTICULAR, WITH THOSE WITH LIMITED RESOURCES INCLUDING SMALL BUSINESSES, IT'S GOING TO CREATE COMPETITIVE DISADVANTAGE WHEN THOSE INDIVIDUALS TRY TO COMPETE FOR THOSE CONTRACTS AND IN SOME CASES IS GOING TO COMPLETELY DETER THEM FROM DOING SO.

FURTHERMORE, AS DISCUSSED PREVIOUSLY AND IN SOME OF THE ANSWER HAD COME FROM A PREVIOUS TESTIMONY, THE ORDINANCE LEAVES UNANSWERED QUESTIONS AS TO ACTUAL SCOPE OF THIS ORDINANCE.

WE HAVE QUESTIONS AS TO WHAT CONTRACTUAL RELATIONSHIPS WILL TRIGGER THE REQUIREMENTS.

THE EXAMPLE WAS USED ABOUT BUSINESS THAT MAY ALBEIT UNDER THE LAYMAN'S TERMS OF A VENDOR WORKING OVER AT EITHER A CITY HALL OR AT FANEUIL HALL MAY BE TRIGGERED BY THIS.

ALSO UNTIL THOSE CLARIFY OCCASIONS ARE MADE TO THE ORDINANCE, IT'S UNCLEAR AS TO THE TRUE IMPACT OF WHAT THIS WOULD BE ON OUR MEMBERSHIP AND TO THE BUSINESS COMMUNITY IN GENERAL.

WE'RE ALSO VERY CONCERNED ABOUT WHAT THIS WOULD MEAN FOR THE FUTURE AS WE CAN EASILY FORESEE EXPANSION BEYOND NOT ONLY THE CONTRACT -- CONTRACTORS IN THE CITY OF BOSTON BUT TO THE STATEWIDE APPROACH AS WELL. MY ROLE TYPICALLY ON A STATEWIDE LEVEL BECAUSE OF OUR MEMBERSHIP AND WE HAVE CONTINUE OWSLEY SEEN



WHETHER IT'S AT THE BALLOT OR  
PRESENTED UP AT THE LEGISLATURE  
OR AS INDICATED BY PROPONENTS OF  
THIS STATEWIDE PROPOSAL, IT'S  
GOING TO BE PROPOSED AGAIN  
BEFORE THE LEGISLATURE.

IF THE -- IF SOMETHING OF THIS  
ONEROUS IS PUT IN PLACE HERE IN  
THE CITY OF BOSTON, THE CONCERN  
IS THAT IT WOULD THEN BE  
REPLICATED.

AND ONE OF THE KEY CONCERNS THAT  
WE HAVE ARE THE MULTIPLE  
PROVISIONS INCLUDED IN HERE  
BEYOND THE PREDICTABILITY PAY.  
THOSE ARE PENALTY PROVISIONS TO  
MY KNOWLEDGE DO NOT EXIST IN ANY  
OTHER JURISDICTION THAT HAVE  
ADOPTED THE SCHEDULED ORDINANCE.  
SO, AGAIN, THE CONCERN THERE IS  
THAT IF YOU HAVE THE PENALTIES  
IN THE CITY OF BOSTON AND THEN  
WE START TO TALK ABOUT -- HAVE  
THIS CONVERSATION AT A STATEWIDE  
LEVEL, ARE THOSE PENALTIES ALSO  
GOING TO BE ADOPTED?

AGAIN, THEY HAVE NOT HAD THEM IN  
THERE AND WE WERE RATHER  
SURPRISED TO SEE THEM IN THIS  
PIECE.

AND THEN I PUT IN MY TESTIMONY,  
WHICH YOU CAN READ -- I DON'T  
WANT TO BELABOR THE POINT BUT  
OBVIOUSLY THE FLEXIBLE  
SCHEDULING FOR RETAILERS IS  
ESSENTIAL.

FLUCTUATIONS IN SALES,  
FLUCTUATIONS IN WEATHER ARE  
GOING TO DICTATE WHAT THE  
EMPLOYER-EMPLOYEES CAN AND  
CANNOT DO.

AND TYPICALLY, FROM OUR  
CONVERSATIONS WITH OUR MEMBERS,  
THOSE -- THE SCHEDULING  
PRACTICES TO WORK WITH THE  
EMPLOYEES, WORK WITH PEOPLE THAT  
THEY TRUST AND WANT TO HAVE HIGH  
MORALE AND WORKER WORK FOR THEM  
AND COME IN AND HAVE SOMETHING  
THEY'RE COMFORTABLE WITH, TO  
INTERFERE THAT IS ONE OF THE  
MAJOR CONCERNS FOR OUR  
MEMBERSHIP.

AGAIN, EACH COMPANY IS UNIQUE

AND EACH EMPLOYEE IS UNIQUE IN THEIR NEEDS.  
THERE WAS A DISCUSSION ABOUT WHO THIS IS INTENDED TO HELP.  
COUNCILOR WU PUT THAT QUITE CLEARLY.  
BUT THERE'S ALSO INDIVIDUALS LIKE THE ELDERLY THAT ARE TRYING TO AUGMENT THEIR RETIREMENT.  
THERE'S ALSO HIGH SCHOOL AND COLLEGE STUDENTS THAT ARE TRYING TO DEFER -- MITIGATE THE COST OF HIGHER EDUCATION.  
THOSE INDIVIDUALS NEED TO BE TAKEN INTO CONSIDERATION IN THIS AS WELL.  
AND WHAT WE'VE SEEN WHEN THESE SCHEDULING MANDATES WERE -- MANDATES WERE PUT INTO PLACE ESPECIALLY IN -- PARTICULARLY IN THE RETAIL INDUSTRY IS THE EMPLOYERS ARE FORCED TO HIRE MORE PART-TIME EMPLOYEES RATHER THAN FULL-TIME IN ORDER TO COMPLY WITH THE MANDATED SCHEDULED AND MAKE SURE THAT SCHEDULE IS COVERED AND NOT WORRY ABOUT THE REPLACEMENTS.  
YOU'LL END UP HURTING THE INDIVIDUALS YOU'RE TRYING -- AND THIS IS EVEN WITH THE OFFER TO -- THE OFFER TO OFFER FOR HOURS.  
YOU PUT THOSE HOURS OUT THERE. ONCE THAT 72 HOURS IS UP AND THE INDIVIDUALS HAVE NOT RESPONDED AND THERE'S NOT ANYBODY AVAILABLE TO WORK, THEY'RE GOING TO HAVE TO BRING ON ANOTHER PART-TIME EMPLOYEES AND MY EXPECTATION IS THEY'RE GOING TO KEEP THAT PART-TIME EMPLOYEE ON THE PAYROLL THEREAFTER.  
AND IT'S GOING TO RESULT IN LOWER -- LESS HOURS FOR THE ENTIRE WORKFORCE.  
SO, WITH THAT, RAM IS OPPOSED TO THIS ORDINANCE AND WE LOOK FORWARD IF THERE'S ANY QUESTIONS YOU'D LIKE TO ASK ME, I'D BE MORE THAN HAPPY TO HELP.  
>> THANK YOU.  
I'M GOING TO SKIP OVER YOU.  
WE'RE GOING TO DO STAFFING AND

THEN WE'LL COME BACK, IF YOU  
DON'T MIND.

>> I WORK WITH THE FIRM WINTER  
WYMAN.

I'M PARTNER THERE.

WE'RE A STAFFING AGENCY.

I'M ALSO THE VICE PRESIDENT OF  
THE MASS STAFFING ASSOCIATION  
BOARD.

WE ALSO ARE SEEKING AN EXEMPTION  
FOR THE STAFFING ASSOCIATION.

WE'LL GET INTO THAT REAL  
QUICKLY.

I WAS STRUCK WHEN MR. LEX WAS  
SPEAKING.

I WAITED TABLES TO PAY FOR  
COLLEGE.

AND IT JUST SORT OF HIT ME  
WITHOUT THE FLEXIBILITY FROM  
BOTH PARTIES THAT COULD NOT HAVE  
WORKED.

I WORKED IN TWO DIFFERENT  
RESTAURANTS TO BE ABLE TO  
McMIZE.

WITHOUT ALL PARTIES BEING ABLE  
TO DO THAT, IT JUST COULDN'T  
HAVE WORKED.

AS AN AGENCY, IN -- STAFFING  
AGENCY CAN BE A LITTLE UNKNOWN  
TO A LOT OF THE FOLKS.

SO, THESE EMPLOYEES ARE W-2  
EMPLOYEES.

WE PAY THEIR TAXES.

BY DEFINITION, THE WORK IS  
INTERIM AND UNPREDICTABLE.

SO COUNCILOR WAS TALKING ABOUT  
HAVING SUBSTITUTE TEACHER IN FOR  
DAY.

IT'S VERY SIMILAR TO THAT.

IN ANY OF YOUR GUYS' OFFICES, IF  
SOMEBODY WAS SUDDENLY TAKEN ILL  
OR HAD TO GO OUT UNFORESEEN,  
THAT WORK STILL NEEDS TO GET  
DONE.

THE WAY A LOT OF THE PROVISIONS  
ARE WRITTEN, IT WOULD BE  
DIFFICULT OR IMPOSSIBLE TO GET  
SOMEBODY IN IN A TIMELY MANNER.  
I THINK THAT WOULD BE A HARDSHIP  
FOR EVERYBODY.

I'M PARTICULARLY CONCERNED ABOUT  
THE EMPLOYEES THAT WOULD HAVE TO  
WAIT IF THERE WAS ANY WAY TO  
IMPLEMENT IT WEEKS OR AT MINIMUM

72 HOURS TO BEGIN AN ASSIGNMENT,  
BECAUSE WE HAD TO GO THROUGH ALL  
THE OTHER IMAGINATIONS OF IT.  
I CAN TELL YOU THE NUMBER OF  
TIME WE HAVE TO TAKE A GIFT CARD  
OR CREDIT CARD SO THEY CAN  
AFFORD TO BUY THEIR "T" PASS TO  
GET TO WORK.

SO THE IDEA OF THEM -- 72 HOURS  
DOESN'T SEEM LIKE A LOT EXCEPT  
FOR PEOPLE THAT CAN'T WAIT THOSE  
72 HOURS.

AS AN ASSOCIATION, WE EMPLOY  
30-PLUS THOUSAND EMPLOYEES IN  
THE STATE EVERY DAY AND ONE OF  
OUR BIG CONCERNS AND WE ARE  
SUBMITTING WRITTEN TESTIMONY SO  
IT WILL BE WAY MORE CONCISE THAN  
WHAT I'M GIVING TODAY, ONE OF  
THE BIG CONCERNS IS THE WAY THAT  
IT'S DRAFTED, THE EMPLOYER  
DEFINITION AND THE EMPLOYEE  
DEFINITION WOULD SWEEP UP SORT  
OF EVERY STAFFING AGENCY THAT  
DOES WORK WITH THE CITY AND  
ANYONE ELSE THAT THEY DO WORK  
WITH JUST BY DEFINITION.

SO WE ARE CONCERNED ABOUT THAT  
AS WELL.

I THINK I'D LIKE TO TALK MORE  
ABOUT THE PRACTICALITY OR  
POSSIBLE ANSWER QUESTIONS FOR  
YOU GUY AS FAR AS WHAT THE  
CONCERNS ARE FROM THE STAFFING  
SIDE.

>> SO, WE'RE GOING TO -- WE'LL  
GET INTO A Q&A.

WE'RE JUST GOING TO FINISH THE  
INTRODUCTORY PANEL REMARKS.

>> SURE.

O IF YOU HAVE ANYTHING  
ADDITIONALLY, YOU CAN DO SO NOW.  
OTHER THAN THAT, WE'LL ENGAGE IN  
QUESTION-AND-ANSWER AFTER JEREMY  
THOMPSON MAKES HIS PRESENTATION.

>> NO, THAT WOULD BE GOOD.

LIKE I SAID, I THINK MY WRITTEN  
TESTIMONY WILL ENUMERATE THE  
POINT SIMILAR TO WHAT THE  
GENTLEMAN HAD.

EARLIER, YOU WERE GETTING INTO  
THE HOW WOULD THIS THING  
ACTUALLY WORK?

WHO DOES IT AFFECT?

I WOULD LIKE TO TALK MORE ABOUT THAT.

>> WE WILL DO THAT.

WE'RE JOINED BY OUR COLLEAGUE COUNCILOR ED FLYNN.

THANK YOU.

YOU HAVE THE FLOOR.

>> GOOD MORNING.

MY NAME IS JEREMY THOMPSON.

MASS BUDGET IS AN INDEPENDENT, NONPARTISAN RESEARCH NONPROFIT FOCUSING ON POLICY SOLUTIONS THAT IMPROVE THE LIVES OF LOW- AND MIDDLE OF INCOME RESIDENTS OF MASSACHUSETTS. COVERING NEARLY 2 MILLION WORK ES.

I WANT TO THANK THE COMMITTEE CHAIR COUNCILOR FLAHERTY FOR INVITING ME TODAY AND COUNCILOR WU FOR SPONSORING THE ORDINANCE. THERE'S A GROWING PROBLEM IN THE WORKPLACE, THE ADOPTION OF PRACTICES THAT PREVENT MANY WORKERS FROM ENJOYING STABLE, SECURE SCHEDULES.

WORKERSOFTEN HAVE SHIFTS SIGNED LESS THAN A WEEK IN ADVANCE AND IT CAN FLUCTUATE WILDLY.

IT MAKES IT CHALLENGING FOR WORKERS TO ARRANGE CARE, GO TO DOCTOR OR WORK A SECOND JOB. WORKERS WITH ERRATIC SCHEDULES LEAD TO SIGNIFICANT INCOME VOLATILITY.

DANIEL SNYDER OF THE UNIVERSITY OF CALIFORNIA AT BERKELEY AND KRISTIN HARTNETT OF THE UNIVERSITY OF PENNSYLVANIA RUN THE SHIFT PROPROJECT WHICH HAS BEEN PUBLISHING GROUNDBREAKING STUDIES ON THE RELATIONSHIP BETWEEN WORK SCHEDULES, WORK AND HEALTH AND FAMILY BEING.

THEIR 2017 STUDY FOUND THE FOLLOWING: HALF THE PEOPLE SURVEYED REPORTED A SWING OF EARNINGS OF 43% IN THE COURSE OF A MONTH.

THIS INCOME VOLATILITY IS MUCH MORE PREVALENT AMONG EMPLOYEES WHOSE WORKWEEKS VARY THAN AMONG THOSE WITH STABLE WORKWEEKS AND IT'S ALSO A MUCH MORE PREVALENT

AMONG BLACK AND HISPANIC WORKERS.

THEY'RE MORE LIKELY THAN WORKERS WITH STABLE INCOMES TO HAVE TROUBLE PAYING BILLS, TO LACK CONFIDENCE IN THEIR ABILITY TO DEAL WITH A SUDDEN HIGH EXPENSE AND TO TURN TO HIGH COST FINANCIAL ALTERNATIVES LIKE PAYDAY LOANS AND PAWNSHOPS. OTHER RESEARCH ON UNSTABLE SCHEDULES FOUND ADVERSE EFFECT ON WELL-BEING.

THEY'RE MORE LIKELY TO REPORT POOR OR FAIR HEALTH.

AN UNSTABLE SCHEDULING CAN MAKE IT HARD FOR WORKING PARENTS TO ARRANGE CHILDCARE AND MONITOR HOMEWORK AND PARTICIPATE IN BEDTIME ROUTINES BOTH SHOWN TO BE IMPORTANT FOR HEALTHY CHILD DEVELOPMENT.

RESEARCH HAS FOUND THESE PROBLEMS ACROSS A WIDE RANGE OF OCCUPATIONS BUT THEY ARE MOST PREVALENT IN FOOD SERVICE AND RETAIL AND BLUE COLLAR LIKE CONSTRUCTION AND MANUFACTURING. RESEARCH IS SHOWING THE BENEFITS OF FAIR WORKWEEK PRACTICES AND NOT JUST FOR WORKERS.

FAIR WORKWEEKS CAN BE BETTER FOR BUSINESSES AS THEY HAVE BEEN FOUND TO BOOST EMPLOYEE MORALE AND INCREASE SALES AND LABOR PRODUCTIVITY.

A RANDOMIZED CONTROL STUDY FOUND THAT STABLE SCHEDULING INCREASED SALES BY 7% AND LABOR PRODUCTIVITY BY 5%.

THE FAIR WORKWEEK ORDINANCE WOULD ALLOW THE CITY TO LEVERAGE ITS CONSIDERABLE PURCHASING POWER TO ENSURE WORKERS AND THEIR FAMILIES AND BUSINESSES BENEFIT FROM FAIR, HEALTHY SCHEDULES.

THANK YOU FOR HEARING MY TESTIMONY.

>> THANK YOU, JEREMY.

SO, WE'RE GOING TO GO RIGHT TO STUART, I GUESS.

WHAT WOULD THE IMPACT BE, I GUESS, FOR STAFF ASSOCIATION FOR

COMPANIES AND ALSO IF THIS WERE TO PASS, THERE'S A 120-DAY COMPLIANCE PERIOD. WOULD YOU BE ABLE TO BE COMPLIANT WITHIN 120 DAYS? >> FIRST OF ALL, HOW WOULD IT IMPACT STAFFING? BY DEFINITION STAFFING JUST COULDN'T COMPLY. IT'S ONE OF THE CONCERNS. OFTEN A COMPLIANT WILL CALL AND SAY, SO-AND-SO HAD AN ACCIDENT AND I NEED TO SUPPLEMENT THE WORK IMMEDIATELY. AND THAT WORK LITERALLY IS THE NEXT DAY. SO WHEN AN EMPLOYEE COMES TO OUR AGENCY AND THEY FILL OUT PAPERWORK, THEY'RE READY TO GO. BY DEFINITION OF WHAT IS THE ORDINANCE RIGHT NOW, WE'D HAVE TO GIVE THEM TWO-WEEK ADVANCED NOTICE, WHICH IS IMPOSSIBLE. THE OTHER SIDE OF IT IS IF AN AGENCY -- IF A COMPANY -- A CITY AGENCY NEEDS ADDITIONAL WORK, THEY'RE SUPPOSED TO POST INTERNALLY WITHIN 72 HOURS TO SEE IF THERE'S OTHER PEOPLE THAT COULD DO THAT WORK. I THINK MOST AGENCIES KNOW WHAT THEIR WORK CAPACITY IS. MOST DON'T HAVE THAT CAPACITY. YOU KNOW IMMEDIATELY IF YOU NEED SOMEBODY. 72 HOURS IS GOING TO BE A HARDSHIP FOR EVERYONE, ESPECIALLY THE PERSON THAT COULD POTENTIALLY GO IN AND HELP OUT AND BE POSSIBLY WITH THAT COMPANY. I DON'T THINK IT'S FROM A PRACTICAL MATTER BECAUSE OF WHY EMPLOYEES COME TO US, WHETHER IT'S THEY'RE SEEKING THE FLEXIBILITY IN THE SCHEDULE OR THEY DIFFERENTLY NEED TO GET TO WORK RIGHT AWAY. THE WAY IT'S WRITTEN IT WOULD BE AN IMPOSSIBILITY FOR THE STAFFING WORLD TO BE ABLE TO COMPLY WITH THESE. WHAT'S INTERESTING AND I'M STRUCK BY THE FACT THAT WE AGREE

WITH THE TENANT -- THE TENET.  
WE WANT A HAPPY -- THE RK  
THEY'RE OUT THERE FOR A LONG  
TIME EVERYONE WINS.

OF COURSE, SCHEDULING,  
LAST-MINUTE CHANGES, THOSE --  
THAT DOESN'T WORK FOR FOLKS.  
SO WE AGREE WITH THAT IN  
PRACTICALITY.

HOWEVER, WE AGREE WITH THAT IN  
THEORY AND PRACTICALITY, IF  
SECRETARY COMES TO OUR --  
SOMEBODY COMES TO OUR AGENCY ON  
A WEDNESDAY AND THEY HAVE AN  
OPPORTUNITY ON THURSDAY, THEY  
COULD LITERALLY START ON FRIDAY  
AND CONTINUE INTO THE NEXT WEEK.  
THE WAY IT'S WRITTEN NOW, THAT  
WOULD NOT BE ABLE TO HAPPEN.

>> EARLIER IN THE HEARING,  
ESSAIBI GEORGE POSED A QUESTION  
ABOUT SUBSTITUTE TEACHERS.  
AND THE RESPONSE WAS THAT  
ON-CALL, THAT SUBSTITUTE BASIS  
WOULD PROBABLY EXEMPT THEM FROM  
THIS.

I DON'T WANT TO SPEAK FOR MY  
COLLEAGUE BUT MAYBE EMERGENCY  
STAFFING, THAT TYPE OF WORK YOU  
DO, MAYBE THAT SHOULD BE EXEMPT  
FROM THE ORDINANCE OR MAYBE IT  
IS EXEMPT BASED ON THE  
DEFINITION.

>> AGAIN, THAT'S WHAT WE'D BE  
ASKING FOR IS THAT EXEMPTION  
SIMPLY BECAUSE OF THE NAME OF  
THE BUSINESS.

WE WANT GOOD LONG-TERM PROJECTS,  
BEING ABLE TO WORK BUT THAT  
CAN'T HAPPEN THE WAY THAT IT IS  
CURRENTLY CONSTITUTED.

>> OKAY.  
COUNCILOR WU AND WE'LL GO  
THROUGH THE COLLEAGUES AS THEY  
ARRIVE.

>> THANK YOU.  
YES A, TO FOLLOW-UP A LITTLE BIT  
AND TO UNDERSTAND THE BUSINESS  
MODEL TO KNOW WHETHER IT WOULD  
BE COVERED OR NOT, AND IT SOUNDS  
LIKE IT MAYBE WOULD BE ALMOST  
PARALLEL TO THE SUBSTITUTE  
TEACHER SITUATION.  
SO, WHEN SOMEONE -- WHEN YOU



HIRE A NEW PERSON, YOU SAID  
THEY'RE A W-2 EMPLOYEE.

>> CORRECT.

WHAT IS THE -- DO THEY GET  
ANY ESTIMATE -- IS THERE ANY  
SENSE THAT THERE WILL BE ENOUGH  
WORK FOR THEM TO WORK A CERTAIN  
NUMBER OF HOURS?

ARE THEY GIVEN ANY SENSE OF  
WHAT'S THE MINIMUM PERWEEK THAT  
THEY THINK ABOUT, OR IS IT  
REALLY JUST SIGNING UP FOR -- TO  
BE ON A LIST TO GET A CALL  
ANYTIME?

>> THERE'S PROBABLY TWO TYPES OF  
AGENCIES OR TWO TIMES OF WORK --  
TYPES WITHIN AN AGENCY.

THERE'S BENCH EMPLOYEES WHERE  
THEY WILL HIRE AN EMPLOYEE AND  
DEPLOY THEM TO DIFFERENT  
OPPORTUNITIES ON ANY GIVEN DAY,  
WHICH IS REALLY INTERESTING.  
IT'S NOT MODEL THAT WE WORK, BUT  
YOU COULD SIGN UP WITH A COMPANY  
AND THEY'LL SAY, ALL RIGHT, I  
DON'T KNOW WHERE YOU'RE GOING TO  
WORK TOMORROW BUT YOU'RE GOING  
TO BE WORKING SOMEWHERE, WHICH  
IS VERY INTERESTING AND PEOPLE  
THAT LIKE THAT TYPE OF WORK AND  
ENJOY THE VARIETY OF IT, THEY  
LIKE THAT.

OTHER AGENCIES CAN SATISFY THE  
I-9 REQUIREMENTS AND PAPERWORK.  
WE TALK WITH OUR CONTRACTORS AND  
SAY, WE HAVE AN OPPORTUNITY.  
IS THIS SOMETHING YOU'D BE  
INTERESTED IN?

IT'S PROBABLY 50/50 AS TO  
WHETHER THEY SAY, YEAH, I WOULD  
AND THEY CAN GET STARTED RIGHT  
THE NEXT DAY, A WORKING  
INTERVIEW WHERE THEY ACTUALLY GO  
THROUGH THE INTERVIEW PROCESS.  
A LOT OF THE POSITIONS DO HAVE  
THE WORKING INTERVIEW, MAKE SURE  
THEY'RE A GOOD FIT FOR THE  
ORGANIZATION AND THEY GET GOING.  
WHEN AN ASSIGNMENT IS WRITTEN  
FOR A CONTRACTOR, THEY -- WE DO  
PROVIDE THEM AS MUCH AS WE CAN,  
AS MUCH GOOD FAITH, THE  
TRERCH -- TEMPORARY RIGHT TO  
KNOW STATES, WHERE ARE YOU

WORKING?

WHAT IN GENERAL ARE THE WORK HOURS AND THE ESTIMATED DURATION OF THE ASSIGNMENT?

SO WE PROVIDE ALL THAT AT THE BEGINNING AND DURING THAT NEGOTIATION, I GUESS, ON THE -- WITH THE UNDERSTANDING THAT, YEAH, ON THE FOURTH OF JULY, THEY'RE GOING TO LET FOLKS THE DAY BEFORE HANG OUT EARLY BECAUSE THEY WANT THEM TO HAVE A GOOD LONG WEEKEND.

THAT COULD HAVE BEEN SEEN AS A MATERIAL CHANGE, THEREFORE, PAPERWORK AND RESPONSES ARE REQUIRED.

LUCKILY THE LEGISLATURE AGREED, NO, THAT MAKES SENSE IN THE NORMAL LIFE.

SO TO ANSWER THE QUESTION, I THINK WE TRY TO PROVIDE AS MUCH AS WE, BUT OFTEN IT'S I DON'T KNOW AND I'M GOING TO CALL YOU AND IF YOU CAN GO TOMORROW, THEN THAT WOULD BE GREAT.

>> BUT ARE YOU EVER ENGAGING WITH EMPLOYEES IN A WAY THAT THERE'S A POOL OF FOLKS ON YOUR LIST AND YOU NEED SOMEONE AND, THEREFORE, YOU ARE ASKING BASICALLY DEMANDINGQR't THAT SOMEONE TAKE THIS POSITION NOW OR DO THEY ALWAYS HAVE THE OPPORTUNITY TO SAY YES, THAT SOUNDS LIKE A GREAT THING, WE'RE ABOUT TO DO THAT STARTING TOMORROW.

>> IT'S THE LATTER.

WE CAN'T DEMAND PEOPLE GO TO WORK ANYWHERE.

>> MY READ IS THAT IS NOT COVERED AT ALL BECAUSE EMPLOYEE BASICALLY IT SAYS THAT EVEN IF YOU DID, EVEN IF IT WAS THE BENCH, THE LATTER WHERE THERE IS SOME SENSE OF PREDICTABLE SCHEDULE WHICH I THINK IS MORE LIKELY TO BE COVERED BY THIS. IF AN OPPORTUNITY CAME UP AND YOU REACHED OUT TO SOMEONE ON YOUR LIST, AN EMPLOYEE, SAID WOULD YOU BE INTERESTED, AS LONG AS THEY GIVE WRITTEN CONFIRMATION THAT THEY'RE INTERESTED AND E-MAIL, IF IT

NEEDS TO BE MORE FORMALIZED  
ACCORDING TO PROCEDURE WHATEVER  
THE PROVISION SAYS IF THERE'S  
WRITTEN NOTICE IT DOES NOT FALL  
UNDER THE NEED FOR THAT  
COMPENSATION.

>> WHAT ABOUT THE AGENCIES THAT  
DO RUN A BENCH STYLE WHERE THEY  
HAVE A POOL OF EMPLOYEES.

THE CITY HAS A TEMPORARY POOL OF  
EMPLOYEES THAT THEY CAN DEPLOY  
TO ANY DEPARTMENT AT ANY TIME  
BASED ON WHAT THE NEED IS.

HOW IS THAT, HOW ARE THOSE FOLKS  
TREATED.

>> AGAIN IF THE EMPLOYEE AGREES  
AND WANTS TO DO THE WORK AND  
GIVES WRITTEN CONSENT TO TAKING  
ON THOSE EXTRA HOURS, THERE'S  
NO, IT'S NOT COVERED BY THAT  
PROVISION OF THE COMPENSATION.

THE ONLY EXCEPTION WHICH BOB'S  
TESTIMONY KIND OF GOT IT A  
LITTLE BIT, IS THE RIGHT TO REST  
PROVISION WHERE, AND AGAIN IT'S  
LESS LIKELY FOR CITY WORK THAT'S  
GOING TO BE WORKING TO BACK TO  
BACK OPENING OR CLOSING AND  
OPENING SHIFTS BUT AN EMPLOYEE  
MADE THE CRIME WITHOUT PENALTY  
WORK HOURS SCHEDULED OR  
OTHERWISE OCCURRED LESS THAN THE  
PREVIOUS DAY'S SHIFT.

THAT WOULD BE THE ONLY SITUATION  
WHERE SOMEONE WOULD BE ASKED TO,  
WOULD BE MORE LIKELY TO FALL  
UNDER THE ORDINANCE IN A  
STAFFING SITUATION.

>> RIGHT.

I THINK THERE'S ALWAYS DETAILS  
AND WE ARE CONCERNED ABOUT THE  
DEFINITION OF EMPLOYER AND  
EMPLOYEE AND THE PREDICTABILITY  
TO PAY AND IF IT'S UNDERSTOOD  
THAT BY NATURE OF THE BUSINESS  
ITSELF THAT WE CANNOT PREDICT  
WHAT ASSIGNMENTS ARE GOING TO  
COME IN OR OPPORTUNITIES COMING  
IN.

IF THAT'S UNDERSTOOD THEN WE CAN  
BE GRANTED AN EXCEPTION FOR THE  
STAFFING, THAT'S WHAT WE'RE  
ASKING FOR.

>> THE BUSINESS MODEL YOU

DESCRIBED IS EFFECTIVELY NOT COVERED BY THE ORDINANCE.

I THINK IT'S IMPORTANT FOR MY PERSPECTIVE, IT WOULD BE IMPORTANT TO RETAIN THE PROVISION THAT EMPLOYEES HAVE THE ABILITY OR NEED TO ACCEPT THE POSITION.

AND IT SOUNDS LIKE YOU'RE ALREADY DOING THAT.

>> I WOULD AGREE WITH THAT, AGAIN WE ALWAYS WORRY ABOUT IS THIS SPECIFICALLY ENUMERATED. IF THESE A WAY TO BE ABLE TO STATE.

THERE'S A COMFORT LEVEL AND AGAIN WE PROVIDED THE WRITTEN TESTIMONY WE CAN HAVE THE BACK AND FORTH ON THAT.

>> SURE.

THAT'S THE, THAT'S THE TALENT OF OUR COMMITTEE CHAIR HERE THAT WE'RE SEEING THOSE TYPES OF CONVERSATIONS.

I WANT TO RESPECT EVERYONE SO I'LL DO A QUICK ROUND OF EVERYONE ELSE.

SO BOB WE ALREADY TALKED AND I SO APPRECIATED OUR EARLIER CONVERSATION.

AGAIN I JUST WANT TO REITERATE PUBLICLY THAT I THINK MOST OF YOUR CONCERNS ARE AGAIN NOT ABOUT THIS SPECIFIC LANGUAGE BUT ABOUT THE LARGER IMPACT AND SPECIFICALLY ENUMERATED CONCERNS ABOUT LITER FOR EXAMPLE ARE EXEND IN THE LANGUAGE THAT ANY TIME THE COVERED EMPLOYER'S OPERATIONS CAN'T BEGIN OR CONTINUE DUE TO THREATS TO THE EMPLOYEES OR THE EMPLOYER'S PROPERTY DUE TO THE FAILURE OF A PUBLIC UTILITY OR THE SHUT DOWN OF PUBLIC TRANSPORTATION DUE TO FIRE FLOOD OR OTHER NATURAL DISASTER DUE TO STATE OF EMERGENCY DECLARED BY THE FEDERAL GOVERNMENT, STATE GOVERNMENT OR CITY GOVERNMENT OR DUE TO SEVERE WEATHER CONDITIONS THAT THIS DOESN'T APPLY. SO THAT COVERS A LOT OF WHAT YOU WERE I THINK HINTING AT.

CERTAINLY I UNDERSTAND THAT THERE ARE, THERE WOULD BE SPECIFIC CHANGES REQUIRED FOR RESTAURANTS THAT WOULD COME UNDER THIS ORDINANCE BUT RIGHT NOW A LIVING WAGE ORDINANCE DOES NOT COVER I THINK MOST OF YOUR MEMBERSHIP.

I WOULD PUSH BACK A LITTLE BIT ON THE ASSERTION THAT WE SHOULDN'T DO ANYTHING NOW BECAUSE WE'RE WORRIED ABOUT POTENTIAL EXPANSION OF OTHER LAWS THAT WOULD AFFECT THIS. IF THIS WERE TO PASS AND IF THE EXPANSION OF THE LIVING WAGE ORDINANCE WOULD BE CONSIDERED AFTER THAT, THEN THIS WOULD NECESSARILY BE PART OF THE CONSIDERATION OF WHETHER THAT SHOULD PASS.

IS HOW I WOULD APPROACH THE CONVERSATION.

DO YOU HAVE A SENSE OF HOW MANY OF YOUR MEMBERS SPECIFICALLY WOULD BE ON THAT LIST AT ALL OR DID YOU GET A CHANCE TO LOOK THROUGH AND SEE IF THERE WERE ANY OF YOUR MEMBERS THAT WOULD BE DIRECTLY INCLUDED.

>> THERE ARE A COUPLE MEMBERS ON THERE BUT AGAIN YOU HAVE BUSINESSES LIKE THE COFFEE SHOP DOWNSTAIRS, YOU KNOW, 10/10. YOU HAVE FACILITIES AT GOLF COURSES.

IF YOU START TO LOOK AT ALL OF THEM THEY MORE COME INTO PLAY. THE OTHER THING IS RAIN IS NOT A SEVERE WEATHER OR NOT AN EMERGENCY TYPE OF WASTE. NORMAL SNOWFALL.

WE'RE NOT JUST TALKING STATES OF EMERGENCY, WE'RE TALKING ABOUT JUST REGULAR WEATHER THAT DRAMATICALLY IMPACTS ALL OF THESE FOLKS.

THE OTHER THING IS I'M CONFUSED TALKING ABOUT THE LIVING WAGE BUT POINT C IS COVER EMPLOYER. THE CITY OF BOSTON ANY FIRM THEIR CONTRACTOR OR SUPPLY OF GOODS AND SERVICES TO THE CITY OF BOSTON TO ANY OF ITS

SUBCONTRACTORS.

IT'S NOT JUST UNDER THE LIVING  
WAGE ORDINANCE.

>> THAT'S MEANT TO MIRROR THE  
LANGUAGE OF THE LIVING WAGE  
ORDINANCE.

>> OKAY.

>> AND THEY FOANSMENT, IT WAS --  
THE ENFORCEMENT, I'LL TALK ABOUT  
THE INTENT AND LANGUAGE BUT IT  
WAS WRITTEN TO BE ENFORCED AND  
MONITORED THROUGH THE EXISTING  
INFRASTRUCTURE SO THAT THE CITY  
WOULDN'T BE ADDING MORE  
COMMISSION OR GROUPS AND THE  
DIRECTOR STATED EARLIER THAT IT  
WOULD BE A RELATIVELY EASY LIST  
TO ADD THIS ENFORCEMENT TO HER  
DOCKET.

FINALLY JEREMY IF I COULD, YOU  
TALKED A LITTLE BIT ABOUT THE  
ECONOMIC IMPACT YOU'VE SEEN IN  
OTHER PLACES, PARTICULARLY FROM  
THE SHIFT PROJECT.

COULD YOU JUST GO INTO A LITTLE  
BIT OF DETAIL ABOUT WHY THE  
STABLE WORKER TABLITY HAS LEAD  
TO INCREASED TAILS AND  
PRODUCTIVITY?

>> WELL I THINK IT'S DOWN  
LARGELY TO A QUESTION OF MORALE.  
IT'S ENCOURAGING TO HEAR THE  
RETAILERS AND RESTAURANT  
ASSOCIATIONS TALK ABOUT HOW MUCH  
THEY VALUE THEIR EMPLOYEES INPUT  
AND HOW MUCH THEY WANT TO HAVE  
SCHEDULES AND WORK PLACES THAT  
THEIR EMPLOYEES NEEDS.

IT TURNS OUT WHEN YOU OFFER  
EMPLOYEE SCHEDULES MORE OFTEN  
THAN NOT YOU ARE MEETING A KEY  
NEED OF EMPLOYEES AND THEY  
RESPOND TO THAT BY BEING  
HAPPIER, BEING MORE PRODUCTIVE  
AND BEING MORE COMMITTED TO THE  
WORK.

I KNOW THE GAP, I DON'T HAVE  
ACCESS TO THE DATA RIGHT NOW BUT  
THE GAP COMPANY ACTUALLY RAN AN  
EXPERIMENT OVER THE BETTER PART  
OF TWO YEARS WHERE IT MOVED FROM  
MORE UNSTABLE SCHEDULES TO MORE  
TABLE SCHEDULES AND FOUND GREAT  
RESULTS.

I'M HAPPY TO SHARE THOSE RESULTS WITH THE COMMITTEE WHEN I GET BACK TO MY OFFICE.

>> DO YOU HAVE A SENSE JUST LOOKING AT WHAT OTHER JURISDICTIONS AND WHAT OTHER STATES HAVE DONE ABOUT THE TYPES OF BUSINESSES THAT TEND TO BE COVERED.

THOSE OF A CERTAIN SIZE, IS IT CERTAIN INDUSTRIES.

ARE THERE OTHER CLARIFICATIONS TO SPECIFICALLY CALL OUT OR EXEMPT THE KIND OF ON CALL TYPE OF BUSINESSES OR EMPLOYEES?

>> I'M NOT, AGAIN I DON'T HAVE KIND OF MEMORIZED THE SPECIFIC EXEMPTIONS.

THERE ARE SOME CARVE OUTS IN OTHER JURISDICTIONS.

IT SHOULD BE NOTED THE RESTAURANT AND RETAIL ECONOMY IN SAN FRANCISCO AND SEATTLE WHICH ARE TWO OF THE CITIES WHO HAVE IMPLEMENTED THIS SO FAR I THINK CAN BE SAID TO BE BOOMING ALONG WITH THE REST OF THOSE CITIES ECONOMIES IN RECENT YEARS SO IT CERTAINLY HASN'T FALLEN.

AS TO QUESTIONS OF EMPLOYER SIZE I MEAN ONE THING THAT HAS HELPED WITH IMPLEMENTATION HAS BEEN THE USE OF SO-CALLED THE WORK FORCE MANAGEMENT SOFTWARE.

ONE THING YOU FIND A LOT OF COMPANIES USE SOFTWARE TO DO AN ADJUST IN TIME SCHEDULING.

YOU TURN YOUR EMPLOYEES INTO ANOTHER WIDGET ON THE SUPPLY CHAIN BY MAKING THEM AN INPUT INTO A SOFTWARE PROGRAM.

SO THESE SAME COMPANIES INCLUDING ONE AT A CONFERENCE I WAS AT RECENTLY ARE QUITE ABLE AND QUITE EAGER TO PROGRAM LEGAL REQUIREMENTS INTO THEIR SCHEDULING SOFTWARE SO THAT AS YOUR SCHEDULING EMPLOYEES AMONG THE PERIMETERS OR WHATEVER THE LOCAL OR STATE LAWS REQUIRE.

OWE EMPLOYEES, EMPLOYERS THAT NOW USE THESE WORK FORCE MANAGEMENT TOOLS TO KIND OF FORCE UNSTABLE SCHEDULES ON

THEIR EMPLOYEES WITH JUST AS EASILY USE THOSE SAME TOOLS TO COMPLY WITH THE LAW AND ALLOW THEIR EMPLOYEES TO GIVE MORE STABLE SCHEDULES.

IT DOES HAPPEN.

SHITTELLY LARGER EMPLOYERS HAVE BETTER RESOURCE AND ACCESS TO SOFTWARE BUT MORE AND MORRIS SPECIALLY THROUGH APPS THERE ARE COMPANIES TRYING TO BROADEN THE ACCESSIBILITY OF THAT SOFTWARE TO EMPLOYERS OF ALL SHAPES AND SIZES.

>> WE'VE BEEN JOINED BY COUNCILOR JANEY AND EDWARDS. COUNCILOR ESSAIBI GEORGE DOESN'T HAVE ANY QUESTIONS SO WE'LL GO TO MARK CIOMMO WHO HAS NO QUESTIONS.

COUNCILOR ED O'MALLEY IS OUT. COUNCILOR FLYNN, ANY QUESTIONS OF THIS PANEL?

>> YES.

COUNCILOR FLARITY AND COUNCILOR WU FOR YOUR LEADERSHIP ON THIS ISSUE.

I HAVE ONE COMMENT IN THIS LAST QUESTION.

THIS HEARING IS TO HELP ALL WORKERS MAKING SURE THEY KNOW WHEN THEIR SCHEDULE IS OUT GIVING THEM AN OPPORTUNITY TO SPEND TIME WITH THEIR FAMILY.

A LOT OF LOW WAGE WORKERS MINIMUM WAGE WORKERS ARE WORKING A SECOND JOB SO IT'S VERY DIFFICULT LOGISTICALLY FOR THEM TO GET TO THEIR SECOND JOB WHEN THEY DON'T HAVE AN ESTABLISHED SCHEDULE.

SO I WOULD BE CONCERNED ABOUT MAKING SURE WE GIVE OUR WORKERS AS 67 NOTICE AS -- AS MUCH NOTICE AS WE CAN.

OF THEM ARE IMMIGRANTS AND ENGLISH AS A SECOND LANGUAGE. I'M TRYING TO COME UP WITH A SOLUTION THAT WORKS FOR EVERYBODY.

I COME FROM THIS POSITION AS IF IT WERE A FAMILY MEMBER OR A FRIEND THAT DIDN'T HAVE AN ESTABLISHED SCHEDULE.



YOU KNOW, WOULD YOU WANT THAT TO HAPPEN TO YOUR OWN FAMILY.

SO I THINK MAKING SURE OUR WORKERS ARE TREATED FAIRLY, THEY ARE TREATED WITH RESPECT AND DIGNITY.

I THINK WE CAN MOVE IN THAT DIRECTION AND GIVING THEM AN OPPORTUNITY TO EXACTLY KNOW WHEN IT'S SUPPOSED TO WORK.

THE TIME IT'S SUPPOSED TO WORK. PEOPLE WITH TWO AND THREE JOBS, IF YOU DON'T HAVE AN ESTABLISHED SCHEDULE, IT'S VERY DIFFICULT.

SO I WANT TO THANK MY COLLEAGUES WHO ARE WORKING ON THIS ISSUE BUT IF YOU GUYS CAN TAKE A SECOND LOOK AT THAT MAKING SURE THAT PEOPLE THAT ARE WORKING A SECOND JOB OR THIRD JOB OR FIRST JOB MAKING MINIMUM WAGE, GIVE THEM AN OPPORTUNITY, WORK WITH THEM, GIVE THEM AN OPPORTUNITY AND LET THEM WORK HARD SO THAT THEY CAN GET IN THE MIDDLE CLASS.

DON'T GIVE THEM A SCHEDULE THAT'S UNWORKABLE FOR THEM. SO I JUST WANT TO SAY THANK YOU FOR TAKING MY TIME LISTENING TO MY CONCERNS.

>> SO TWO THINGS I WOULD SAY.

FIRST OF ALL, PREDICTIVE SCHEDULING WHILE IT'S NOT IN EVERY EMPLOYER TODAY, IT IS IN THE VAST AMOUNT OF EMPLOYERS TODAY BECAUSE WE HAVE HAD TO MOVE THAT WAY AS EMPLOYERS, WHETHER WE WANTED TO OR NOT. WE'VE HAD TO DO THAT BECAUSE IF I AM NOT A GOOD FAIR EMPLOYER, IF I DON'T TAKE YOUR CONCERNS INTO ACCOUNT, I'M NOT GOING TO HAVE YOU AS AN EMPLOYEE. EMPLOYERS CANNOT IN TODAY'S ECONOMY LIVE LIKE THAT.

SO WHETHER THEY WANT TO BE GOOD EMPLOYERS OR NOT THEY'VE HAD TO REALLY MOVE TOWARD PREDICTIVE SCHEDULES IN THE VAST MAJORITY. THERE ARE BAD EXAMPLES OF BAD EMPLOYERS AND WE CAN'T MANAGE TO THOSE FEW.

THOSE MY ONE CONCERN.

SECONDLY TO YOUR POINT EXACTLY,  
I WILL TELL YOU ONE OF THE  
REALLY SIGNIFICANT CHANGES WHICH  
I THINK IS A VERY POSITIVE AND  
ADDRESSES EXACTLY WHAT YOU'RE  
TALKING ABOUT COUNCILOR IS THE  
FACT THAT IN TODAY'S WORLD,  
YOU'RE SEEING PEOPLE  
RESTAURANTS, I'LL SPECIFICALLY  
TALK ABOUT RESTAURANTS BUT I'M  
SURE THE SAME IS TRUE IN THE  
RETAIL WORLD THAT OPERATE ACROSS  
THE STREET FROM EACH OTHER OR  
RIGHT NEXT DOOR TO EACH OTHER  
WHO COORDINATE SCHEDULES SO THAT  
IT CAN EXACTLY DO THAT AND  
ACCOMMODATE THOSE NEEDS.  
SO THEY'LL SAY LOOK, YOU  
EMPLOYEE JOE OR CINDY, I EMPLOY  
JOY OR CINDY, LET'S COORDINATE  
SCHEDULES SO THAT WE CAN MAKE  
THIS WORK FOR BOTH OF US.  
AND YOU KNOW, IF YOU WENT BACK  
10, 20 YEARS AGO, THERE WERE  
FIERCE COMPETITORS THAT WOULD  
NEVER THINK OF DOING THAT.  
SO IT'S OCCURRING MORE AND MORE.  
AGAIN IT DOESN'T HAPPEN EVERY  
SINGLE TIME BUT I THINK IN THE  
VAST MAJORITY IT'S NOW  
OCCURRING.

>> THANK YOU.

I APPRECIATE YOUR COMMENTS AND  
CONCERNS.

I DO HEAR FROM A LOT OF MY  
CONSTITUENTS ESPECIALLY IN  
CHINATOWN THAT DO WORK IN THE  
HOSPITALITY FIELD, A LOT OF  
ELDERLY WOMAN, CHINESE WOMAN.  
THEY'LL HAVE THE PHONE NEXT TO  
THEM ALL NIGHT WAITING FOR A  
CALL, WHETHER THEY ARE ABLE TO  
WORK OR NOT.

I THINK THAT IS VERY UNFAIR THAT  
SOMEONE HAS TO LIVE THEIR LIFE  
THAT WAY KNOWING WHEN TO GO TO  
WORK AND IF THAT WORK IS NOT  
THERE.

I JUST WANT TO HOPEFULLY WE CAN  
ALL BE ON THE SAME PAGE  
ESPECIALLY THE ELDERLY,  
ESPECIALLY THE PEOPLE WITH  
DISABILITIES, COMMUNITY OF  
COLOR, LOW WAGE WORKERS, LET'S

GIVE THEM AS MUCH NOTICE.

LET'S GIVE THEM MORE OPPORTUNITIES SO THAT THEY CAN BE PRODUCTIVE AND HOPEFULLY GET INTO THE MIDDLE CLASS SO THEY DON'T HAVE TO WORK THREE JOBS MAKING SURE WE PAY OUR WORKERS AITY SENT WAGE.

BUT IT ALL COMES BACK IN MY OPINION WHEN WE START TREATING THEM WITH DIGNITY.

I'M CONFIDENT THAT YOU GUYS ARE ABLE TO YOU KNOW, ABLE TO DO THAT.

THANK YOU.

>> THANK YOU COUNCILOR.

WE'VE BEEN JOINED BY OUR COLLEAGUE COUNCILOR JOSH ZAKIM AND COUNCILOR JANEY ANY QUESTIONS OF THIS PANEL.

>> JUST A BRIEF STATEMENT.

THANK YOU, MR. CHAIRMAN AND I ALSO WANT TO THANK COUNCILOR WU FOR BRINGING THIS FORWARD.

I SHARE MANY OF THE CONCERNS THAT COUNCILOR FLYNN HAS ALREADY STATED AS SOMEONE WHO HAS SEEN THIS ISSUE UP CLOSE AND PERSONAL WITH PEOPLE WHO I'M CONNECTED TO, PEOPLE WHO LIVE IN MY COMMUNITY.

CASE IN POINT, AN IMMIGRANT WITH VERY LIMITED ENGLISH WORKING IN THE FIELD, JANITORIAL SERVICES HAS NO IDEA FROM WEEK TO WEEK WHEN HE WILL BE SCHEDULED TO WORK.

IN HAS HAD A HUGE IMPACT ON HIS ABILITY TO BE ABLE TO SCHEDULE DOCTORS APPOINTMENTS, TO BE ABLE TO DO FAMILY EVENTS.

THE HIGH SCHOOL GRADUATION OF HIS CHILDREN WHO LIVE OUT OF STATE.

AND SO NOT BEING ABLE TO PLAN IS VERY DIFFICULT FOR FOLKS AND WHILE YOU KNOW MAYBE MOST EMPLOYERS ARE DOING THE RIGHT THING, THERE ARE PEOPLE IN OUR COMMUNITY WHO ARE VERY VULNERABLE TO TAKING WHATEVER CONDITIONS THAT THEY ARE GIVEN BECAUSE THEY'RE JUST GRATEFUL TO HAVE A JOB AND GRATEFUL TO BE IN

THIS COUNTRY AND YOU KNOW THEY DESERVE BETTER.

AND YOU NEED TO MAKE SURE THEY CAN PARTICIPATE IN DIFFERENT THINGS THAT MATTER TO THEM WHETHER THEY ARE FAMILY EVENTS, WHETHER THEY ARE THINGS, APPOINTMENTS THAT THEY NEED TO ADHERE TO BUT ALSO THAT THEY ARE ABLE TO DO SO AND NOT FEAR, IF THEY REQUEST TIME OFF BECAUSE THEY DON'T HAVE A PREDICTABLE SCHEDULE, THAT THEY WILL BE PUNISHED FOR THAT.

AND WE NEED TO MAKE SURE THAT THEY HAVE THE OPPORTUNITY TO WORK WHICH IS WHAT FOLKS WANT TO DO.

BUT THEY CAN ALSO HAVE A LIFE AND TAKE CARE OF THEIR FAMILIES. SO THIS IS I THINK A VERY IMPORTANT ISSUE, I'M REALLY GRATEFUL THAT WE'RE HAVING THIS DISCUSSION AND HOPEFUL THAT WE CAN COME TO SOME SORT OF RESOLUTION.

SO THANK YOU T.

>> THANK YOU COUNCILOR JANEY. CHAIR RECOGNIZES EDWARDS. DO YOU HAVE QUESTIONS OF THIS PANEL.

>> JUST A COUPLE.

I WANT TO FIRST STATE IS THARK COUNCILOR WU FOR HER PARTICULAR LEADERSHIP ON THIS ISSUE.

IT'S ALSO DEMONSTRATING THAT THE CITY OF BOSTON, AS THE CITY COUNCIL WE NEED TO FOLLOW WHERE THAT MONEY IS GOING AND MAKING SURE THAT WE'RE NOT SUPPORTING WITH OUR TAX DOLLARS AND OUR STEWARDSHIP AN ECONOMY OR OPPRESSION OF WORKERS IN ANY WAY SHAPE OR FORM.

IN AS MUCH AS WE CAN PUSH FOR HIGHER STANDARDS, I AGREE WITH COUNCILOR WU THAT WE SHOULD BE. BUT, AND I'VE WORKED AS A TEMPORARY WORKER.

MY HUSBAND IS A SMALL BUSINESS PERSON AND HAS DEFINITELY DEALT WITH THE ISSUE WHETHER IF HE CAN GET THE MONEY IN, HE CAN GO AHEAD AND PROVIDE ADDITIONAL

HOURS FOR HIS WORKERS TO GO ON.  
THIS IS SOMETHING I'M ON NOT  
UNFAMILIAR WITH.

THE STRESS OF SMALL BUSINESS  
INDIVIDUALS, YOU WILL GET PAID  
IN ORDER TO PAY OTHERS.

NOT EVEN TO MAKE A PROFIT IS  
SOMETHING THAT I'M INTIMATELY  
FAMILIAR WITH.

INSTEAD OF FIGURING OUT WHERE WE  
AGREE THOSE ON THE PANEL WHO ARE  
PARTICULARLY CONCERNED ABOUT  
THIS, I WOULD INVITE YOU TO COME  
UP WITH ONLY SOLUTIONS ABOUT  
PREDICT TBAIL THAT YOU THINK  
FROM -- PREDICTABILITY THAT YOU  
THINK FROM A SMALL BUSINESS  
PERSPECT FIFTH IF THIS IS  
POSSIBLE OR NOT TOO  
DISCONCERTING TO YOU.

WHEN ME AND MY HUSBAND WERE  
THINKING ABOUT IT WE COME UP  
WITH A MINIMUM AMOUNT TO PAY  
WHEN HE OR SHE IS AVAILABLE  
WHETHER WE CAN'T PROVIDE THEM  
FOR THE ENTIRE WEEK.

WE'RE BASICALLY PAYING YOU  
MINIMUM WAGES, 400 BUCKS A WEEK  
BUT TO MAKE SURE YOU ARE AT  
LEAST AVAILABLE IN THAT TIME.

ARE THERE WAYS TO COME UP WITH,  
CREATIVE WAYS TO COMPENSATE  
SOMEBODY THAT BASICALLY IS  
ACKNOWLEDGING THAT THEIR FLEX  
BILLITY IS WHAT MAKES YOUR,  
THEIR BUSINESS FLOURISH.

A LOT OF STAFFING AGENCIES ARE  
IN THE BUSINESS OF FLEXIBILITY.  
THAT'S I THINK WHAT A LOT OF  
PEOPLE ARE CONCERNED ABOUT.  
WITH THAT BUSINESS MODEL, HOW  
CAN YOU COMPENSATE WORKERS WHO  
ARE GIVING YOU THAT KIND OF  
FLEXIBILITY OVER THEIR LIVES.  
THAT'S WHAT I WOULD LOVE TO  
SHARE MORE.

I APOLOGIZE IF YOU ALREADY  
TESTIFIED TO THAT BECAUSE I WAS  
LATE BUT THAT KIND OF CREATIVE  
THINKING AND HOW YOU CAN STILL  
COMPENSATE BECAUSE I BELIEVE YOU  
SHOULD BE COMPENSATING SOMEONE  
FOR THAT KIND OF FLEXIBILITY AND  
BEING ABLE TO ANSWER IN THE

MIDDLE OF THE NIGHT OR BE ABLE  
TO SHIFT THEIR COMPENSATION.

THIS COMES UP WITH WAYS TO  
COMPENSATE FOR THAT.

MOST PEOPLE WOULD CALL IT  
PUNITIVE.

I'M WONDERING WHAT KIND OF  
CARROT ARE YOU WILLING TO OFFER  
TO GIVE FLEXIBILITY THAT WOULD  
ACTUALLY ALLOW FOR YOU TO STILL  
HAVE IT T.

>> ONE THING THAT I FEEL GETTING  
LOST HERE IS THE BEST PRACTICE,  
THIS IS PRETTY MUCH THE BEST  
PRACTICE ALREADY IN THE  
INDUSTRY.

YOU NEED TO HAVE ENOUGH EMPLOYEES  
IN YOUR PLACE TO OFFER YOUR  
BUSINESS SCHEDULE THE TIME OUT.  
MOST PEOPLE DOES 10 OR 14 DAYS  
OUT.

FOR MOM AND POP SHOPS THE  
MAJORITY OF OUR MEMBERS ARE TEN  
EMPLOYEES.

[INDISCERNIBLE].

>> THANK YOU, MA'AM.

YOU'LL HAVE APPEAR OPPORTUNITY  
TO BE HEARD YOU'RE ON THE SHEET.

>> WHAT I WAS TRYING TO GET AT,  
SO THESE SMALLER BUSINESSES THAT  
HAVE TEN EMPLOYEES, THEY ARE  
SMALL FAMILIES.

IF YOU HAVE SOMEONE THAT IS NOT  
GET CANNING ENOUGH HOURS THEY'RE  
TOGETHER TO LEAVE YOU'RE GOING  
TO BE LEFT HOLDING THE BAG AND  
FIGURE OUT HOW TO STAFF IT.

ON THE LARGER END, WE'VE HAD  
NATIONAL COMPANIES THAT HAVE  
TAKEN RESOURCES AND PUT IT INTO  
SOFTWARE AND INTO APPLICATIONS  
NOT STUFF THAT THIS GENTLEMAN  
WAS TALKING ABOUT BUT GEARED  
JUST THEIR MEMBERSHIP THAT THEY  
CAN REACH OUT TO EVERY SINGLE  
ONE OF THEIR MEMBERS, THEIR  
ASSOCIATES AND SAY I HAVE EXTRA  
HOURS THE FOR YOU WOULD YOU LIKE  
THEM.

THOSE PEOPLE IN THE SMALL  
BUSINESSES, SMALL BUSINESSES AND  
LARGE BUSINESSES THAT HAVE MADE  
THESE INVESTMENTS THAT ARE DOING  
THE RIGHT THING ARE NOW GOING TO

BE PENALIZED FOR THE PEOPLE WHO ARE NOT DOING THE RIGHT THING ARE TO GO AND I GUESS THAT'S THE PROBLEM THAT WE HAVE HERE. IT'S OVERREACHING AND IMPACTING PEOPLE WHO ARE DOING THE RIGHT THING.

>> CAN I QUICK HERE RESPOND? AGAIN, I'M GOING TO CHALLENGE YOU TO DO, TO BE MORE CREATIVE THAN THAT THAT WE'RE AT THE PEAK OF CREATIVITY OR AT THE PEAK OF GOOD STANDARDS WITH HOW THING ARE GOING ON.

I WOULD HAVE THOUGHT WHEN YOU WERE RESPONDING THAT YOU WERE GOING TO SAY WELL SURE YEAH WE CAN COME UP TO COMPENSATE IF WE ARE USING CITY DOLLARS MAYBE THAT SHOULD BE BUILT INTO THE CONTRACT FOR CITY SERVICES.

I WOULD HAVE LOVED THAT KIND OF RESPONSE ABOUT HOW THE CITY CAN BE PART OF HELPING, IF YOU'RE REALLY DEMONSTRATING THE LOST AND INCOME DUE TO CERTAIN STANDARDS THE CITY WANTS TO PUT ON, THEN THEY SHOULD BE COMPENSATED FOR THAT LOSS SO WE CAN PAY THOSE WORKERS FOR THEIR FLEXIBILITY EITHER WAY.

I WOULD LIKE FOR YOU TO COME BACK WITH THOSE KIND OF NUMBERS AND CREATIVITY INSTEAD OF ASSUMING WE'RE PUNISHING. WE ARE TRYING TO RAISE THE STANDARD AND WHAT ARE YOU DOING TO GET THERE WITH THE CITY MONEY.

>> I APOLOGIZE. MY PREVIOUS TESTIMONY MOST OF MY COMMENTS WERE REGARDING SCHEDULING IN GENERAL NOT NECESSARILY THIS PARTICULAR PIECE.

BUT WE CAN CERTAINLY GO BACK AND TALK TO OUR MEMBERSHIP BUT I GUESS WHAT I'M SAYING IS WE HAVE MEMBERS THAT HAVE ALREADY GONE OUT AND DON CREATIVE THINGS AND INNOVATIVE THINGS TO MAKE SURE THEIR ASSOCIATES AT THE END OF THE DAY CAN PAY THEIR BILLS AND CAN HAVE A SCHEDULING.

AND THAT EXISTS IN THE INDUSTRY.  
I'LL USE THE EXAMPLE ONE OF THE  
KEY ISSUES ON SCHEDULING HAS  
BEEN ON CALL.

AND THE NEW YORK ATTORNEY  
GENERAL'S OFFICE CALLED IN THE  
NUMBER OF RETAILERS AND SAID WHY  
ARE YOU GUYS USING ON CALL  
SCHEDULING AND BASICALLY WANT TO  
KIND OF DO SOMETHING LIKE THIS.

ALL THOSE RETAILERS THAT WERE  
DOING THAT DECIDED OKAY MAYBE WE  
SHOULDN'T BE USING THIS AND  
THEY, THE INDUSTRY RESPONDS TO  
THE NEEDS OF THEIR EMPLOYEES  
ESPECIALLY IF THEY ARE  
RESPONSIBLE AND GOOD EMPLOYERS.

>> THE INDUSTRY RESPONDS TO THE  
LARGER CONTRACTORS AS WELL AND I  
THINK THAT'S WHAT WE'RE TRYING  
TO DO RIGHT NOW IS TO HAVE THAT  
RESPONSE FROM THE INDUSTRY TO  
OUR PURSE AND TO OUR ECONOMIC  
POWER.

I THINK AGAIN THIS IS AN  
INVITATION TO COME UP WITH  
SOMETHING.

THAT IS NOT, I DON'T THINK THAT  
WE REALLY NEED TO BE ARGUING  
ABOUT WHAT WE AGREE ON.

I DON'T THINK WE FUNDMENTALLY  
DISAGREE ON PAYING A WORKER FOR  
THEIR WAGES AND COMPENSATING  
THEM FOR THEIR TIME.

I'M ASKING YOU WAYS IN WHICH YOU  
FEEL YOU'RE GOING TO BE HURT OR  
PUNISHED BY THIS, HOW THE CITY  
MIGHT BE ABLE TO COMPENSATE FOR  
THAT IN THIS CONTRACT OR IN  
RAISING THESE STANDARDS.

I THINK THAT MAY NOT HAPPEN  
RIGHT NOW BUT I WOULD ENCOURAGE  
THAT CREATIVITY.

AND IF THERE ARE ALREADY BEST  
PRACTICES OUT THERE TO SEE HOW  
THAT BECOMES NOT JUST BEST  
PRACTICES BUT INDUSTRY  
STANDARDS.

>> UNDERSTOOD.

THANK YOU.

>> THANK YOU.

>> YOU MENTIONED YOU HAD DONE  
TEMPORARY WORK IN THE PAST LIKE  
A LOT OF US HAVE.



THE CITY DOESN'T HAVE ONE  
CONTRACT WITH JUST ONE AGENCY,  
THERE ARE MULTIPLE AGENCIES THAT  
CAN CONTRACT WITH THE CITY.  
AND YOU PERSONAL ME COULD BE  
REPRESENTED BY TWO OR THREE  
DIFFERENT AGENCIES AT ANY ONE  
TIME.

SO, I KNOW WE'RE NOT GOING TO  
SOLVE THE PROBLEM HERE TODAY BUT  
IN YOUR IDEA, COULD THIS BE SOME  
KIND OF STIPEND TO ALLOW PEOPLE,  
IF YOU'RE REPRESENTED BY TWO  
DIFFERENT AGENCIES, HOW IS THE  
CITY GOING TO BE ABLE TO PAY  
THREE DIFFERENT AGENCIES THAT  
ONE PERSON WORK AND YET TWO  
OTHER AGENCIES COMPENSATE FOLKS  
THAT DIDN'T GET THAT JOB.  
IT JUST DOESN'T SEEM LIKE A  
POSSIBILITY OR IF IT IS HOW MUCH  
MONEY IS GOING TO PAY PEOPLE NOT  
TO WORK.

>> NO.

I THINK THIS IS THE DIALOGUE  
THAT I WANT TO HAVE.

THIS IS TO ME THE DIALOGUE THAT  
WE NEED TO BE HAVING TODAY AND  
TINGE.

YES, SO I THINK THERE MIGHT BE A  
WAY TO COMPENSATE VERSUS PUNISH  
WHICH IS WHAT I THINK SOME  
PEOPLE CONSIDER THIS TO BE.

SO HOW THAT COMPENSATION WORKS  
AND THE CURRENT WAY THE SYSTEM  
IS ALLOCATING WORK, IS SOMETHING  
THAT YOU GUYS NEED TO HELP US  
UNDERSTAND.

IF THAT'S POSSIBLE AND HOW TO  
MAKE THAT COMPENSATION OR NOT.  
IS THE PREDICTABILITY GOING TO  
BE TWO WEEKS.

HOW DOES THIS WORK SO WE ARE NOT  
IN YOUR MILD PUNISHING BUT WE'RE  
IN MY MIND COMPENSATING FOR THE  
FACT THAT YOU MIGHT BE LESS  
FLEXIBLE IN HOW YOU HAVE TO  
OPERATE YOUR BUSINESSES.

I THINK YOU KNOW YOU'RE RIGHT.  
I DON'T HAVE THE ANSWER RIGHT  
NOW.

I DIDN'T EXPECT TO BUT I WOULD  
PREFER THIS DIALOGUE THAN AN  
OPPOSITIONAL ONE.

>> I REPRESENT THE STAFFING ASSOCIATIONS AND FOR STAFFING FOR MYSELF.  
CERTAINLY MY PERSONAL POINT OF VIEW IS THAT THE MARKET FORCES THAT PLAY CURRENTLY ARE WORKING.  
>> ARE WHAT, ARE WORKING?  
>> ARE WORKING.  
I HAVE A CANDIDATE THAT IS REGISTERED WITH ME AND TWO OTHER AGENCIES.  
THIS IS A GREAT CANDIDATE AND I DESPERATELY WANT TO TAKE THAT PERSON OUT TO WORK BECAUSE THEY HAVE A GREAT WORK ETHIC OR GREAT PERSONNITY OR WHATEVER.  
IF I CAN'T DO IT ONE OF THESE OTHER AGENCIES IS GOING TO. THEY'RE GOING TO FIND OUT SIMPLY BECAUSE THEY ARE REGISTERED WITH A COUPLE AGENCIES THAT PROVIDE FLEXIBILITY.  
I CAN TELL YOU HOW MANY CANDIDATES I WILL HAVE AN OFFER FOR BUT THEY'LL GET AN OFFER FOR ANOTHER COMPANY THAT'S A LITTLE MORE WHATEVER, THE COMPANY, THE HOURS ARE BETTER THE PAY IS BETTER, THEY ARE CLOSER TO HOME. THEY DON'T HAVE TO TAKE THE JOB BECAUSE I WANT THEM TO TAKE IT.  
SO IN HISTORICALLY IN UNEMPLOYMENT IN SUPPLY AND DEMAND IT'S WORKING FOR THE EMPLOYEES.  
IF YOU WANT TO WORK AND YOU HAVE ANY DESIRE TO HAVE A GOOD WORK ETHIC, I THINK WE WANT TO HOLD -- WE'RE GOING TO HOLD ON TO YOU AS AN EMPLOYEE FOR DEAR LIFE.  
I'M GOING TO WORK FOR THE GUY ACROSS THE STREET BECAUSE IMAGINEMENT IS GOOD.  
THE BUSTER THAT'S CRITICAL TO THE RESTAURANT INDUSTRY.  
>> I THINK MY RESPONSE TO THAT WOULD BE AGAIN COMING FROM THE PERSPECTIVE OF BEING A GOVERNMENT STEWARD OF OUR CITY FUNDS, THE FACT THAT THE MARKET NOW IS WORKING AS YOU SAY, AN EMPLOYEE'S MARKET I THINK YOU'RE DESCRIBING IT.

AND TO DISAGREE WITH THAT BUT  
THE FACT THE MARKET IS NOW  
WORKING FOR THE EMPLOYEES ISN'T  
REALLY MY POINT OR MY GOAL.  
IT'S TO MAKE SURE THAT THE  
STANDARD IS THE STANDARD AND  
IT'S A GOOD ONE REGARDLESS OF  
HOW THE MARKET IS MOVING.  
THAT'S YOU KNOW RIGHT OR WRONG  
THAT'S THE FAIR, THAT'S THE  
PERSPECTIVE I GET TO HAVE AS A  
GOVERNMENT OFFICIAL.  
YOU DO NOT, RIGHT.  
YOU ARE GOING TO BE LOOKING AT  
THE MARKET IN A DIFFERENT WAY AS  
BUSINESS OWNERS AS  
REPRESENTATIVE OF BUSINESS ORBS.  
IT IS THOSE PERSPECTIVES THAT  
NEED TO BE AT THE ABLE TO COME  
UP WITH A SOLUTION THAT ASSURES  
THAT WE HAVE STANDARDS THAT ARE  
SUSTAINABLE.  
BUT THAT ONE RECOGNIZES THAT WE  
HAVE A JOB TO DO, AS CITY  
COUNCILORS TO MAKE SURE THAT  
CITY MONEY IS NOT GOING TO OR IS  
GOING TO ASSURE HOUSE STANDARDS.  
>> SOMETHING I WANT TO MAKE SURE  
IS SAID, IN MANY WAYS WHAT I'M  
SAYING IS NOT DEFENSIVE OF  
OWNERS AND OF MANAGERS IN THE  
INDUSTRY, IT'S IN FACT DEFENSIVE  
OF THE EMPLOYEES THAT RESIDE  
WITHIN THE INDUSTRY TODAY.  
BY THAT I SPECIFICALLY CAN REFER  
TO AND THIS IS PRIOR TO WHEN YOU  
WERE IN HERE, COUNCILOR EDWARDS.  
IN MY PRIOR BACKGROUND I WORKED  
HR FOR VERY LARGE RESTAURANT  
COMPANIES BEFORE I DID THIS JOB.  
CONSTANTLY WE DID SURVEYS WITH  
EMPLOYEES WHAT DO YOU HAVE, WHY  
YOU DON'T LIKE, SO ON AND SO  
FORTH.  
IN MY LAST ONE WE HAD 35,000  
EMPLOYEES PRETTY STATISTICALLY  
VALID NUMBER.  
AND WE HAD TWO THIRDS OF THEM  
RESPOND TO AN ON-LINE SURVEY  
VERY STATISTICALLY VALID.  
THE NUMBER ONE ASPECT THAT THEY  
THEY HAD ABOUT WHAT I LOVE ABOUT  
MY JOB WAS MY SCHEDULING  
NEXTABILITY.

AND PREDECKIVE SCHEDULE IS NOT SOMETHING THAT'S BEING RAISED BY THE VAST MAJORITY OF MEEPS AT RETAIL OR RESTAURANT OR STAFFING IT'S MINORITIES OF PEOPLE THEY SHOULD BE WORKING FOR. THAT IS UNFORTUNATE AND IT'S BEING ASKED FOR MY PEOPLE OUTSIDE OUR STROY AND THAT'S WHAT YOU'LL HEAR SERVERS SAY AND BARTENDERS SAY IN OUR STROY. THEY LOVE THE WAY THAT THEY CAN SCHEDULE AND ONE OF THE POTENTIAL OUTCOMES OF THE SCHEDULING PREDICTABILITY THAT IS POSSIBLE IS THAT IF I AT THE LAST MINUTE GET THE OPPORTUNITY TO GO TO A CONCERT TONIGHT AND COUNCILOR WU COVERED THE SHIP FOR ME I HAVE TO NOW PAY RYAN EXTRA AMOUNT OF MONEY. I WILL NOT BE ABLE TO DO THAT ON AN ONGOING BASIS. I'M GOING TO SAY I CAN'T LET YOU CHANGE YOUR SCHEDULES LIKE THAT BECAUSE THAT COULD POTENTIALLY COST ME MONEY. THEY LOVE THIS ASPECT. SO IT'S NOT JUST ME BEING DEFENSIVE OF THE BUSINESS SIDE OF IT, I'M IN FACT DEFENSIVE OF IT FOR THE EMPLOYEES SIDE OF IT. AND REALLY THAT'S EXTREMELY IMPORTANT TO ME AND THE OWNER THAT MAKE UP OUR INDUSTRIES T AND IT SHOULDN'T BE CONFUSED AND I UNDERSTAND WHY IT COULD BE CONFUSED BUT IT'S CLEARLY NOT.

>> RECOGNIZES COUNCILOR JOSH ZAKIM.

>> THANK YOU, MR. CHAIRMAN. I WANT TO THANK MY GOOD COLLEAGUE COUNCILOR WU TO BRING THIS FORWARD. I'M PROUD TO JOIN HER AND MANY OF OUR COLLEAGUES FOR SPONSORING THIS WHEN IT WAS INTRODUCED. TO COUNCILOR EDWARDS POINT IT IS REALLY IMPORTANT THE CITY OF BOSTON LEAD BY EXAMPLE PUTTING OUR MONEY WHERE OUR MOUTH IS TO ENSURE THAT PEOPLE HAVE HIGH STANDARDS. THIS ISN'T AN INTENT TO PUNISH

ANYONE AND I RESPECT TALKING ABOUT FLEXIBILITY. CERTAINLY I THINK TEMPORARY STAFFING AGENCIES ARE THEY ARE ALWAYS AND ONE OF THE REASONS WE HAVE THESE HEARINGS IS TO SORT THROUGH SOME OF THESE ISSUES. BUT I CAN SAY AND IT'S BEEN A WHILE BUT FROM MY OWN DAYS IN THE RESTAURANT INDUSTRY, ON CALL WAS NOT FUN AND I WAS SOMEONE IN MY EARLY 20'S WHO DIDN'T HAVE A LOT OF OTHER RESPONSIBILITIES LIKE CHILDREN, LIKE OF THE JOB. SO IT IS SOMETHING THAT WAS, YOU KNOW, IT'S NOT SOMETHING I GENERALLY AM SUPPORTIVE OF. I UNDERSTAND IN SOME CASES IT'S NECESSARY BUT WHAT WE'RE SEEK ACROSS THE COUNTRIES, OTHER JURISDICTIONS, OTHER ORGANIZATIONS THAT ARE REALLY I THINK STEPPING UP AND SAYING WE CAN DO THIS, WE'RE NOT GOVERNMENT CONTRACTS WITH OUR CITY MONEY. THAT'S SOMETHING THE CITY OF BOSTON HAS A LONG HISTORY OF DOING WHETHER IT'S ON SOCIAL JUSTICE ISSUES WHETHER IT'S BEEN ON GLOBAL ISSUES WHETHER IT'S ON MAKING SURE WE'RE JUST TO GO THE BEST WE CAN IN THE CITY OF BOSTON. I CERTAINLY WANT TO MAKE SURE WHAT WE'RE DOING ISN'T HAVE UNINTENDED CONSEQUENCES BUT I TO FULLY SUPPORT THE INTENT OF THIS BILL BEFORE WE CONTINUE THE DISCUSSIONS AND I APOLOGIZE FOR BEING LATION BIT LATE I HAD A FAMILY OBLIGATION BUT I WILL BE REVIEWING THE EARLIER TESTIMONY ON VIDEO TAPE. I WANT TO CONTINUE THIS WORK AND CERTAINLY WITH THE SPONSOR GETTING SOMETHING PRODUCTIVE AND CONSTRUCTIVE DONE ON THIS ISSUE. THANK YOU. >> THANK YOU COUNCILOR ZAKIM. NOW IT'S GOING TO BE THE SHIFTING. YOU'RE WELCOME TO STICK AROUND. WE'RE GOING TO SHIFT TO PUBLIC

TESTIMONY NOW.

I SEE SAM FROM THE RESEARCH BUREAU.

DO YOU WANT TO OFFER COMMENTS FROM THE RESEARCH BUREAU.

FOLKS WHO HAVE SIGNED THE SIGN-IN SHEET, I SEE AN OLD PAM. ED SMITH.

ED YOU SIGNED THE SHEET BUT YOU DIDN'T CHECK OFF WHETHER YOU WISH TO TESTIFY.

DO YOU WISH TO TESTIFY?

VERY GOOD.

SO THANK YOU BOB, RYAN, JEREMY AND STUART.

IF YOU CAN MAKE YOUR WAY DOWN AND OFFER TESTIMONY ON BEHALF OF THE MUNICIPAL RESEARCH BUREAU AND THEN WE'LL GO TO THE PUBLIC MICROPHONES FOR PUBLIC TESTIMONY.

GOOD MORNING, SAM.

WELCOME.

PLEASE STATE YOUR NAME AND AWE FILLATION FOR THE RECORD -- AFFILIATION FOR THE RECORD.

>> MR. CHAIRMAN, FOR THE RECORD MY NAME IS SAM TYLER PRESIDENT OF THE BOSTON MUNICIPAL RESEARCH BUREAU T AND I WAS HERE YESTERDAY TESTIFYING.

SO I HAVEN'T HAD A WHOLE LOT OF TIME TO LOOK AT THIS BUT I WAS INVOLVED WITH THE LIVING WAGE EFFORT HERE IN BOSTON FROM THE VERY BEGINNING.

AND SO WHEN I WAS READING THE ORDINANCE IT ALL SORT OF CAME BACK.

THAT WAS AN ORDINANCE THAT WAS POLITICALLY MOTIVATED BUT REQUIRED EXTENSIVE REVISIONS TO MAKE IT MORE COMPATIBLE AND NOT CREATE A PROBLEM FOR THE CITY.

I'M NOT EQUATING THIS ORDINANCE WITH THAT SITUATION I'M JUST TALKING ABOUT THE SIMILARITY.

A LOT'S BEEN SAID ALREADY SO I'LL TAKE IT FROM THE PERSPECTIVE OF AN ORGANIZATION THAT IS CONCERNED ABOUT THE CITY'S FINANCES AND MANAGEMENT AND OPERATION.

AND I THINK THIS RAISES

QUESTIONS.

I THINK THIS IS AN EXPANSION OF LIVING WAGE IN TERMS OF COVERAGE.

I DON'T THINK THERE'S ANY QUESTION ABOUT THAT.

THE LANGUAGE SEEMS CIVIL HER BUT I THINK THERE ARE ISSUES WHERE THERE'S EXEMPTIONS FOR LIVING WAGE THAT DON'T APPLY HERE.

CITY OF BOSTON ITSELF, YOU KNOW, THE VENDORS, SUBCONTRACTORS, THOSE WHO PROVIDE SUPPLIES AND THEIR EMPLOYEES THAT ARE INVOLVED WITH THE CONTRACT FOR THE CITY OR THE WORK WITH THE CONTRACT BUT WITH MUCH LESS EXEMPTIONS THAN LIVING WAGE AND IT IS A BROADER COVERAGE.

AND IT'S MORE COMPLICATED IN THE SENSE THAT YOU DO HAVE PENALTY PROVISIONS THAT HAVE TO BE FACTORED IN BUT MAKE IT MORE COMPLICATED.

AND IT RAISES QUESTIONS IN TERMS OF WHAT DOES THIS MEAN FOR THE CITY OF BOSTON IN TERMS OF ITS OWN EXPENSES.

I GUESS I KNOW THAT AROUND THE COUNTRY, THE FAIR WORK WEEK LAWS ORDINANCES MORE LIMITED TO RETAIL OR HOURLY WORKERS FOR RETAIL AND FAST FOOD SOME RESTAURANTS.

THIS IS REALLY LIMITED TO THOSE ENTITIES THAT HAVE CERTAIN EMPLOYEE LEVELS.

THAT'S NOT PART OF HERE IN TERMS OF TRYING TO DISTINGUISH IT, IT REALLY IS A BROAD BASE THAT COVERS EVERYONE.

BUT IT WOULD SEEM THAT THIS WOULD REQUIRE EVEN MID TECHNOLOGY, YOU KNOW, MORE I GUESS MORE WORK BY THE CITY AND THEREFORE I WOULD THINK MORE EMPLOYEES THAT WOULD HAVE TO BE HIRED TO MANAGE, TO MANAGE, TO MONITOR ALL ASPECTS OF THIS ORDINANCE.

AND ALSO WHAT THE IMPACT WOULD BE IN TERMS OF THIS ADDED RESPONSIBILITY THAT WOULD BE REQUIRED OF THE CONTRACTORS,

SUBCONTRACTORS IN TERMS OF THEIR OWN WORK AND WHETHER THAT WOULD RESULT IN HIGHER BID PRICES TO THE CITY.  
OVER TIME.

AND YOU KNOW, HAVING WATCHED THIS KIND OF ACTION OVER MANY YEARS, I ALSO, SOME OF THESE PROVISIONS WOULD LOOK LIKE THEY WOULD ALSO BE PART OF A COLLECTIVE BARGAINING AGREEMENT CAN.

AND WHETHER SOME OF THIS IS MORE OF AN END ROUND TO ACHIEVE A GOAL THAT HASN'T YET BEEN ACHIEVED TO COLLECTIVE BARGAINING.

SO I THINK THERE'S BEEN A NUMBER OF ISSUES RAISED THAT REQUIRE MORE TIME.

I MEAN FOR EXAMPLE, THE ORDINANCE GENERALLY IS HOURLY WORKERS.

SO I DIDN'T SEE THAT NECESSARILY REQUIREMENT IN THIS ORDINANCE SO DOES THAT MEAN IT APPLIES TO ALL CITY EMPLOYEES FOR EXAMPLE.

I MEAN I THINK THE LANGUAGE WITH THE CONTRACTORS IS SIMILAR TO LIVING WAGE WITHOUT THE EXEMPTIONS.

BUT DOES THIS APPLY TO ALL 18,000 CITY EMPLOYEES OR IS IT, IS THERE I GUESS AN EFFORT TO DISTINGUISH, YOU KNOW, HOURLY WORKERS VERSUS SALARIED WORKERS.

AND SO I THINK THERE'S A LOT OF QUESTIONS THAT STILL COMING UP FROM THIS IN TERMS OF CLARIFICATION.

AND IT'S GOOD TO HEAR BOTH SIDES BUT I THINK THIS IS ONE SIMILAR TO THE ORIGINAL LIVING WAGE THAT TOOK SOME TIME BEFORE THERE WAS A FINAL PRODUCT THAT WAS SATISFACTORY.

AND AGAIN, I THINK THIS IS ONE THAT WILL RESULT IN ADDED COST TO THE CITY, ADDED COMPLEXITY. I DON'T WANT TO USE THE WORD A NEW BUREAUCRACY BUT I DON'T THINK THIS IS COPYING WHAT OR USING WHAT WAS, HAS BEEN USED FOR THE LIVING WAGE.



THIS IS ANOTHER WHOLE LEVEL  
BEYOND THAT IN TERMS OF ITS  
REQUIREMENTS AND ITS SCOPE.  
AND WHEN I THINK WE NEED TO HAVE  
A BETTER, YOU ALL NEED TO HAVE A  
BETTER UNDERSTANDING OF WHAT THE  
IMPACT FOR THOSE WHO ARE  
CONTRACTING WITH THE CITY BUT  
ALSO THE CITY ITSELF.

AND SO IT'S JUST A MATTER OF  
CONCERNS THAT WE HAVE IN TERMS  
OF THIS ORDINANCE.

SO THOSE ARE MY COMMENTS.

>> THANK YOU VERY MUCH, SAM.  
YOU'RE MORE THAN WELCOME TO STAY  
WITH US.

THERE ARE FOLKS THAT WISH TO  
OFFER PUBLIC TESTIMONY AND MAYBE  
THERE WILL BE SOME FOLLOW UP  
FROM MY COLLEAGUES ON YOUR  
COMMENTARY.

IF ROBERT COUGHLIN CAN COME DOWN  
TO THIS MICROPHONE.

NICOLE PRINCE IF SHE CAN GO TO  
THAT MICROPHONE AND JANNA SANTA  
ANNA AND ED SMITH OVER IN THAT  
MICROPHONE.

IF YOU CAN QUEUE UP AND STATE  
YOUR NAME ANY AFFILIATION IF YOU  
HAVE IT FOR THE RECORD.

YOU THE FLOOR TO GIVE YOUR  
COMMENTS OR REMARKS ON THIS  
PROPOSED ORDINANCE.

>> MR. CHAIR, COUNCILORS, MY  
NAME IS ROBERT COUGHLIN.

>> AFTER THIS GENTLEMAN GOES  
YOU'RE NEXT AND IT WILL TURN ON  
WHEN YOU'RE READY TO SPEAK.  
GO AHEAD, ROBERT.

APOLOGIES.

>> THANK YOU FOR THIS  
OPPORTUNITY TO ADDRESS THE  
COMMITTEE.

MY NAME IS ROBERT COUGHLIN, I'M  
THE CONTROLLER OF JOHN  
EMPLOYMENT SERVICES.

WE ARE A SMALL WOMAN OWNED  
STAFFING AGENCY IN THE CITY OF  
BOSTON.

WE HAVE BEEN IN THE CITY OF  
BOSTON SINCE 1969.

OVER THE YEARS WE'VE BEEN  
FORTUNATE ENOUGH TO BE ABLE TO  
SUPPLY TEMPORARY EMPLOYEES TO

DIFFERENT CITY AGENCIES FOR THE CITY OF BOSTON.

I'VE COME TO THIS HEARING TODAY TO VOICE A COUPLE OF CONCERNS THAT I HAVE WITH THIS.

A LOT OF PEOPLE HAVE MENTIONED BEFORE THE DEFINITION OF WHAT IS A COVERED EMPLOYEE AND A COVERED EMPLOYER IS VERY WIDE RANGING AND WOULD SORT OF COVER ALL OF THE THINGS THAT WE HAVE TO DO.

AND I THINK IT WOULD BE VIRTUALLY IMPOSSIBLE FOR A STAFFING AGENCY TO COMPLY WITH THE REGULATIONS WITH ADVANCED NOTICES AND SO ON.

WE DO HAVE A BENCH OF WORKERS, IT'S IN THE THOUSANDS.

SO IF THE CITY NEEDS A PARTICULAR TYPE OF POSITION, WE HAVE A VAST NUMBER OF EMPLOYEES THAT WE COULD DO THAT.

SO COMPENSATING ALL OF THOSE AS MIGHT HAVE BEEN SUGGESTED EARLIER WOULD CERTAINLY BE UNREASONABLE AND YOU KNOW, THE CITY CERTAINLY COULDN'T AFFORD TO COVER 3500 EMPLOYEES THAT WE HAVE ON A FLEXIBLE SCHEDULE.

AS WAS STATED BEFORE, THE NATURE OF STAFFING IN ONE OF THE HIGHLIGHTS OR THE MOST IMPORTANT THING IS THE NEXTABILITY.

MUCH TO DO WITH THE SUBSTITUTE TEACHER, ETCETERA ETCETERA.

WE HAVE A HOT OF PEOPLE THAT REALLY DO THIS.

AND PREFER TO WORK THAT WAY ON A FLEXIBLE SCHEDULE.

WE HAVE WHAT WE REFER TO AS A SWAT TEAM SO IT'S A NUMBER OF EMPLOYEES WHO WILL CALL US UP TODAY AND SAY I'M AVAILABLE TO WORK TOMORROW AND ANY SHORT TERM NOTICES YOU GET.

SO THEREFORE IF SOMEONE WERE TO CALL IN TO ANY ONE OF OUR CLIENTS, A RECEPTIONIST BEING SICK, WE HAVE THOSE PEOPLE BEING AVAILABLE WE COULD SEND OUT AND WITHIN A COUPLE HOURS WE CAN REPLACE THAT PERSON AND HELP OUR CLIMATE FUNCTION AND NOT MISS A BEAT.

ALSO, THIS ORDINANCE WOULD HAVE A NEGATIVE IMPACT ON OUR EMPLOYEES AND THEIR ABILITY TO EARN WAGES.

FOR EXAMPLE, TWO WEEKS AGO, WE HAD TEMPORARY EMPLOYEE WHO WAS ASSIGNED TO A CITY AGENCY AND THE ASSIGNMENT WAS FROM THE HOURS OF 12 TO 5.

NOW THIS WOMAN WHO IS OUR EMPLOYEE HAPPENS TO BE A STUDENT AT UMASS AND SHE WORKS FOR US BECAUSE OF THE FLEXIBILITY SHE WORKS FOR US AROUND HER SCHOOL SCHEDULE.

AND SO IT HAPPENED THAT DAY THAT THE AGENCY WHERE SHE WAS GOING TO REPORT TO CALLED US UP AND SAID YOU KNOW, WE HAVE SOMEONE WHO IS ILL AND IS NOT GOING TO BE ABLE TO COVER THE RECEPTION AREA AND OUR PHONES, CAN THAT PERSON COME IN EARLY.

NOW WE WOULD VIRTUALLY HAVE BEEN UNABLE TO DO THAT WITHOUT THE REQUIRED NOTIFY INDICATIONS, WITHOUT THE AGENCY NOTIFYING ANYBODY ELSE IF THEY COULD DO THAT.

AND BY NOT HAVING OUR EMPLOYEE GIVEN THE FLEXIBILITY TO SHOW UP AN HOUR OR TWO OR THREE HOURS EARLY AND EARN SOME EXTRA MONEY, WE REALLY, YOU KNOW, HAMPERED OUR EMPLOYEE.

AND BRIEF ME, AS THE FATHER OF TWO COLLEAGUE KIDS, THEY -- COLLEGE KIDS THEY NEED EVERY OPPORTUNITY THEY CAN TO MAKE A LITTLE EXTRA MONEY.

ONE OTHER AREA THAT CONCERNS ME IS AGAIN THE DEFINITION OF A COVERED EMPLOYER.

WE AS A STAFFING FIRM WOULDN'T NECESSARILY KNOW IF ONE OF THE LAW FIRMS THAT WE PROVIDE ADMINISTRATIVE SERVICES TO HAS A CONTRACT WITH THE CITY OF BOSTON.

OR ANY OF THEIR AGENCIES.

AND SO IF THEY HAVE A RECEPTIONIST OUT, THEY WOULD HAVE TO WAIT THE 72 HOURS.

THEY COULDN'T CONTACT US IF

MEMBERS OF OUR SWAT TEAM WOULD NOT WORK THAT DAY.  
IT WOULD SERIOUSLY IMPACT THEIR EARNINGS AS WELL.  
AND SO THOSE ARE MY TWO MAIN CONCERNS WITH THIS.  
SO THEREFORE I RESPECTFULLY REQUEST THAT YOU EXEMPT THE STAFFING INDUSTRY FROM THIS.  
COUNCILOR WU, YOU HAD MENTIONED EARLIER BEFORE ABOUT ARE THERE ANY OTHER ORDINANCES OUT THERE THAT HAVE ADDRESSED STAFFING.  
AND IN 2017 OREGON PASSED A SIMILAR SITUATION IN A BILL AND THEY EXPLICITLY EXEMPTED STAFFING INDUSTRY FROM IT.  
SO THANK YOU FOR YOUR TIME AND CONSIDERATION.  
>> THANK YOU FOR PARTICIPATING.  
NICOLE, WELCOME TO THE BOSTON CITY COUNCIL.  
APPRECIATE YOUR PATIENCE.  
YOU HAVE THE FLOOR.  
>> THANK YOU, MR. CHAIRMAN.  
THE MICHAEL?  
YES.  
>> WHAT'S YOUR LAST NAME.  
>> FLAHERTY.  
>> OH I THINK I'VE MET YOU.  
MY TESTIMONY TODAY MY COLLEAGUES AND FELLOW CONSTITUENTS.  
I THANK YOU FOR THIS OPPORTUNITY AND I APPRECIATE THE TIME THAT YOU ARE TAKING TO LISTEN TO ME.  
I ALWAYS WANT THE RIGHT THINGS BECAUSE [INDISCERNIBLE] AFRICAN AMERICAN COMMUNITIES AND NO ONE HAS BEEN REPRESENTING US IN A PROPER MANNER [INDISCERNIBLE].  
AND I WAS NEVER BE ABLE TO WORK WITH YOU ARE IN COMMUNITY.  
I WORK [INDISCERNIBLE] FOR CHILD CARE AND HAVE TO DO IT WITH A CHILD WITH NO BABY-SITTING FEES AND NO BABY-SITTER.  
AND IT WAS HARD.  
AND NO CAR.  
I AM ACTIVE DUTY SPOUSE OF THE U.S. ARMY [INDISCERNIBLE] 1994, MIGHT HAVE BEEN 1998 AND I AM ACTIVELY WORKING ON IMPROVING MY LIFE WHICH IS ATTEND COLLEGE [INDISCERNIBLE].

THE PROBLEM IS MY HUSBAND WANTS TO TOUR WITH THE U.S. ARMY AND LIVE WHEREVER HE PLEASES AND I NEED TO THINK FOR MYSELF WITH MY CHILD AND WHENEVER THEY WANT SOMETHING THEY CAN HELP, I CAN HELP OUT.

I HAVE COME TO [INDISCERNIBLE] AND MOST IMPORTANTLY ONE OF THE DIFFICULT HOMELESSNESS CAME WORKING FOR DOMESTIC PEACE CORPS.

IT'S DIFFICULT BECAUSE IT DOES NOT PAY MORE THAN \$300.

I GOT INTO AN ACCIDENT WITH MY DAUGHTER FOUR YEARS AGO AND I USED THAT ACCIDENT MONEY TO PAY MY \$765 -- \$675 DOLLARS.

I GET EMOTIONAL BECAUSE IT WAS DIFFICULT.

MY HUSBAND DID IT WITHOUT A CHILD.

I DID IT WITH A CHILD AND HE WAS DIFFICULT.

HE WAS ALWAYS HAD PROBLEMS WITH HIS FAMILY AND NEEDED SOMEONE TO TALK TO HIM AND HE NEEDS A LOT OF COUNSELING, A LOT OF HELP.

HE'S NOT THE KIND OF PERSON THAT CAN SIT DOWN AND LISTEN TO [INDISCERNIBLE].

ALL OF THAT ASIDE, I WAS TOLD TO TAKE [INDISCERNIBLE] WHILE I WAS IN PANAMA WITH HIM TO BUY A CAR. I COULDN'T BECAUSE I HAD TO USE IT TO BUY CLOSES AND FOOD AND SHELTER FOR MYSELF AND MY DAUGHTER.

OUR PROBLEM BECAME MORE PROBLEMATIC WHEN I COULDN'T GET TO UPS AT NIGHTS AND ALSO WHEN THE ACCIDENT HAPPENED I HAD TO GO TO WORK THAT DAY SO I COULD SPEND TIME [INDISCERNIBLE] BECAUSE I WAS WITH HER IN PANAMA.

SO SHE BECAME VERY DEPENDENT AND DEMANDING.

I ACTUALLY DID WORKING DAY AND NIGHT WORKING TWO JOBS.

I [INDISCERNIBLE] AT CHILDREN'S HOSPITAL AND I CONTINUE TO GO TO CLASSES BECAUSE I WANT TO BECAUSE I WAS TRYING TO DO THAT

FOR MY MOTHER'S SAKE.

AND I DECIDED TO DO THAT AND I  
DECIDED TO DO K MART CLERK AT  
NIGHT TOO.

I BURIED MYSELF IN WORK AND JUST  
KEEP DOING BECAUSE PEOPLER  
ABUSIVE OR VERY INTRUSIVE IN THE  
BUILDING I WAS LIVING IN.

AND I NEVER WANT TO GO AROUND  
THOSE PEOPLE.

SO I WORKED AND WORKED AND  
TALKED WITH MY HUSBAND.

HE NEVER WANT TO SETTLE DOWN IN  
ONE PLACE.

HE WANT [INDISCERNIBLE].

PSYCHIATRY BECAUSE HE READ A  
BOOK IN HIS CLASS IN THE  
UNIVERSITY IN PANAMA AND HE GOT  
INTERESTED IN WHAT THIS WERE  
SAYING ABOUT GERMANY.

>> I HAVE JUST A QUESTION.

ARE YOU CURRENTLY GETTING  
VETERAN VA BENEFITS.

>> THE VA IS NOT PAYING ME BUT  
[INDISCERNIBLE] BECAUSE SOCIAL  
WORK I WAS WORKING IN BOSTON AND  
THE BOSTON, THEY ACTUALLY MAKE  
IT A PROBLEM BUT THE STATE  
[INDISCERNIBLE] ALL KIND OF  
STUFF AND THE VA CLAIM THAT THEY  
WERE PAYING WHEN I WENT TO  
BOSTON LEGAL SERVICES THE FIRST  
TIME, THE SECOND TIME, THE THIRD  
TIME.

AND IT KEEN BECOMING PROBLEMATIC  
BECAUSE I WENT TO CHURCH CALLED  
CHARLES STREET A&E THAT WAS  
HAVING SOMETHING CALLED FAMILY  
AND FRIENDS OR CURBING WEEKENDS  
AND I HAD MY THINGS THAT I WOULD  
SHOW AS MY [INDISCERNIBLE].  
HOW MUCH IT COST AND WHAT'S  
THIS.

HEARD THERE WAS A PROBLEM WITH  
THE CHILD SUPPORT COMING IN AND  
I WASN'T GOING TO BE ABLE TO  
MAKE IT AND HE DID NOT HELP ME  
[INDISCERNIBLE].

HOWEVER I WON SOME MONEY  
[INDISCERNIBLE] AND I BECAME  
[INDISCERNIBLE] AND I WON PART  
OF THE HOUSE.

>> NICOLE, SO COUNCILOR HAS  
OFFERED TO BE HELPFUL AND HE CAN

HELP GUIDE YOU WITH SOME  
VETERANS BENEFITS THAT COULD BE  
HELPFUL.

I'M GOING TO ASK YOU TO KIND OF  
WRAP UP YOUR TESTIMONY WITH  
RESPECT TO THIS ORDINANCE  
BECAUSE WE HAVE SOME OTHER FOLK  
THAT ALSO HAVE TO SPEAK.

>> I ACTUALLY DID A LOT OF  
[INDISCERNIBLE] DORCESTER HOUSE  
[INDISCERNIBLE] I WAS ACTIVE IN  
ADD INDICATING IN LEGISLATURE  
FOR FREE AND CHEAP CHILD CARE  
FOR SCHOOL [INDISCERNIBLE] AND I  
WAS NEVER PROBLEM WITH THOSE  
SCHOOLS AND KIDS.

I ACTUALLY PROBABLY WAS ONE OF  
THE BEST TEACHERS FOR PRESCHOOLS  
[INDISCERNIBLE] HELPED ME GO  
BACK TO SCHOOL AND FINISH THAT  
PART.

IT WAS INTERESTING BUT IT WAS A  
BIAS KIND OF STUDY  
[INDISCERNIBLE] AND YOU HAD TO  
BE PUT IN THAT INTO PRACTICE.  
BUT MY CONCERN IS HOW THE  
NEIGHBORHOOD HAS BEEN DEVELOPED  
HOUSING FOR BLACK, WHAT YOU SAY  
AFRICAN AMERICANS.

AND THEY ARE NOT BEING ABLE TO  
BE, SOMEWHERE PROPER COPING  
SKILLS, PROPER WAY OF BEING  
TAUGHT HOW TO COPE, HOW TO  
HANDLE CONCERNS ON CRACK COCAINE  
AND TAKE CARE OF THEMSELVES AND  
HAVE ENOUGH APPEARED CAN YOU  
TELL US TO GO AROUND AND KEEP  
THEM STABILIZE.

I SEE THE PLACE HAS DETERIORATED  
AND SOME PLACES HAVE BEEN  
IMPROVED AND SOME PLACES  
[INDISCERNIBLE] AND SHE IS NOT  
[INDISCERNIBLE] WAS WITH MAY AT  
THE CHILD CARE.

I WAS UNABLE TO NOT ADVOCATE FOR  
MY BLACK COMMUNITY IN A PROPER  
MANNER.

AND I WOULD LIKE FOR US TO GET  
THE BETTER HELP AND BETTER  
HOUSING FOR MYSELF AND TO GET  
THE DEEDS AND TITLE OF THE HOUSE  
THAT I WAS PROMISED  
[INDISCERNIBLE] AS ASYLUM Z  
[INDISCERNIBLE] BOMBARDED WITH

MY FAMILY [INDISCERNIBLE] IN THE  
USA.

>> THANK YOU VERY MUCH FOR YOUR  
TESTIMONY NICOLE.

APPRECIATE THAT.

NEXT UP IS JANET SANTA ANNA.

IS SHE STILL WITH US.

SHE'S GONE.

ED SMITH, IF YOU COULD TAKE TO  
THIS MICROPHONE OVER HERE.

YOU HAVE THE FLOOR.

WOULD YOU STHAWMPLE AND  
AFFILIATION.

-- STATE YOUR NAME AND  
AFFILIATION.

YOU'RE STILL WITH THE THEATRE  
OWNERS IF I'M NOT MISTAKEN.

>> THEY ARE AFFILIATE OF THE  
NATIONAL ASSOCIATION OF  
[INDISCERNIBLE].

MY NAME FOR THE RECORD IS EDWARD  
SMITH.

THE THEATRE OWNERS HAVE A RATHER  
EQUAL BUSINESS MODEL, A UNIQUE  
IN PART BECAUSE OF THE PRODUCT,  
WHERE THEY GET THEIR PRODUCT.

I MIGHT SAY THAT THE LANGUAGE OF  
THE ORDINANCE IS A LITTLE BIT  
DIFFICULT TO PREDICT EXACTLY, IF  
YOU WILL, HOW IT WILL BE  
INTERPRETED WITH REGARD TO THE  
COVERED EMPLOYEE.

COVERED EMPLOYER.

I WOULD LIKE TO SPEAK AS THOSE  
HAVE BEFORE ME BUT THE LARGER  
QUESTION OF PREDICTIVE  
SCHEDULING AND HOW IT AFFECTS  
OUR PARTICULAR INDUSTRY.

IF YOU CAN BEAR WITH ME.

I APOLOGIZE.

WORK SCHEDULES ARE UNIQUE AND  
UNPREDICTABLE.

THEY ARE DEPENDENT ON MOVIE  
AVAILABILITY, MOVIE TIMES.

THEY DO NOT, MANAGERS DO NOT GET  
A 14 DAY ADVANCED NOTICE PERIOD  
FOR WHICH THEY ARE MAKE IN THEIR  
THEATRES.

FINAL BOOKINGS OF MOVIES,  
PARTICULARLY HOMEOWNERS ONLY  
CONFIRMED ON A MONDAY AND  
TUESDAY FOLLOWING THE PRIOR  
WEEKEND.

MAJORITY OF THEATRE EMPLOYEES



ARE NOT HEAD OF HOUSEHOLDS  
RATHER PART TIMERS WORKING TO  
SUPPORT THEMSELVES.

THEATRE EMPLOYEES ARE PRIMARILY  
STUDENTS IN THE FIRST JOBS  
[INDISCERNIBLE] DUE TO INCREASE  
THEIR INCOME ACCOMPANIED BY THE  
FLEXIBILITY OF THE SCHEDULES.

I REMEMBER MYSELF GROWING UP IN  
BOSTON.

I WORKED, MY BROTHER WORKED AS  
AN USUAL HE WERE AT THE OLD  
CIRCLE THEATRE IN BRIGHTON ON  
THE BROOKLINE AND BOSTON,  
RATHER.

AND MY SISTER WAS A CASHIER AND  
I WAS A LONELY PARKING  
ATTENDANT.

THESE WERE IMPORTANT JOBS FOR US  
IN TIME.

I SUSPECT THAT'S VERY MUCH THE  
CASE WITH THE EMPLOYEES OF THE  
MOVIE THEATRES AS FEW AS THERE  
ARE IN BOSTON.

I REMEMBER WHEN I WAS GROWING UP  
THERE WERE NUMERALS MOVIE  
THEATRES IN BOSTON.

NOW I CAN ONLY NAME A FEW.  
THERE ARE ALSO LIVE VENUES WHERE  
THEATRE PRODUCTIONS ARE HELD.  
AND EVEN SOME OF THE COLLEGES  
HAVE THEIR OWN THEATRE  
FACILITIES.

ALL OF WHICH WOULD BE  
POTENTIALLY AFFECTED BY THIS  
DEPENDING ON THE INTERPRETATION  
OF THE LANGUAGE IN THE  
ORDINANCE.

ANYWAY, THE EVEN IF THE ANALYSIS  
PREDICTS HUGE ATTENDANCE AT A  
BLOCKBUSTER, IT COULD BE WAY OFF  
THE MARK.

LEVELS MAY NEED TO BE ADJUSTED  
TO HANDLE THE CROWDS OR LACK  
THEREOF.

THE 14 DAY ADVANCE SCHEDULING  
WINDOW WOULD ALSO MAKE IT  
IMPOSSIBLE TO OFFER WORK SHIFTS  
FOR UNANTICIPATED EVENTS SUCH AS  
WHEN THE THEATRE'S REQUESTED TO  
ADD A LIST MINUTE SHOWING FOR A  
COMMUNITY OR SCHOOL GROUP.

THE SCHEDULED CHANGE INEVITABLY  
IN A BUSINESS RECORDKEEPING TO

SUPPLY WITH THIS COULD BE  
CUMBERSOME AND TIME CONSUMER.  
BECAUSE THEATRES PAY THE LION'S  
SHARE OF THE BOX INCOME TO FILL  
THE THEATRES, THEATRES ALREADY  
OPERATE ON A SLIM MARGIN  
AVOIDING THE PREDICTABILITY PAY  
IN THIS LEGISLATION BEFORE THE  
MARGINAL THEATRES, THE SMALLER  
THEATRES CLOSED.

FOR THESE REASONS I WOULD URGE  
THE COUNCIL TO EXEMPT THE  
PROVISIONS OR IF NOT OUTRIGHT  
OPPOSE IT.

IF THERE ARE ANY QUESTIONS I'LL  
ANSWER THEM.

>> THANK YOU.