

**Warrant Article 9: Amend Article 4.8 of the Town’s General By-Laws to Adjust the Calculation of Living Wage**

**Recommendation:** FAVORABLE ACTION as amended by a vote of 20-2 with 2 abstentions

<b>Executive Summary:</b>	This article seeks to adjust the calculation of the Brookline Living wage to better reflect the original intent of Article 4.8. Article 4.8 established both a Brookline Living Wage and a Brookline Minimum Wage. The Brookline minimum wage is calculated by adding \$1 dollar to the Massachusetts minimum wage. At the time of passage it was anticipated the calculated Brookline Living Wage would be higher than the Brookline Minimum wage. That may be about to change because Brookline pegs its minimum wage against that of the State.
<b>Voting Yes will...</b>	Change the calculation of the Brookline Living Wage by adding the following language to Article 4.8.2:  (d) Should the adjusted “living wage” fall below the Brookline “minimum wage” as defined in Section 4.8.3, the Town shall adjust the living wage to be one dollar (\$1.00) more than the Brookline minimum wage.  Voting yes will ensure that Brookline’s Living Wage is always at least \$1.00 more than the Brookline Minimum Wage.
<b>Voting No will...</b>	Will leave Article 4.8 unchanged and may result in a situation where increases in the Massachusetts Minimum Wage will cause the Brookline Living Wage to fall below the Brookline Minimum Wage.
<b>Financial impact</b>	Since the vast majority of Brookline’s hourly employees already make more than both the Brookline Minimum Wage and the Brookline Living Wage it is felt that this article will have a minor financial impact on the Town.
<b>Legal implications</b>	Article 4.8 requires the Town to post information about both the Brookline Minimum Wage and the Brookline Living Wage and requires both the Town and <i>certain contractors who do business with the Town</i> to abide by these minimum pay scales. If a covered employer violates this By-law the Town may terminate their contract and/or levy an appropriate fine.

**Introduction**

This Amendment to By-Law 4.8 seeks to clarify and modify the calculation of the Brookline Living Wage and to align the By-Law with the original intent Article 4.8, which was to have the Brookline Living Wage be higher than the Brookline Minimum Wage. This change is necessary because it has not been possible for the Living Wage, as currently calculated, to keep up with the increases in the Brookline Minimum wage, which are being driven by the increase in the Massachusetts Minimum Wage.

## **Evaluation Methodology/Research**

Before proposing this amendment, the Human Resources Department of the Town of Brookline reviewed our current pay policies to determine if any Town Department would be significantly adversely impacted by the amendment. It determined that this adjustment was unlikely to have an adverse impact on the budgets of any Town Department.

## **Discussion**

Brookline's Minimum and Living Wages create an intentional stratification. The Minimum Wage may apply to certain seasonal or entry-level positions, as opposed to the somewhat higher Living Wage that can apply to employees with more experience or with more oversight responsibility (e.g. Jr. Lifeguard vs Sr. Lifeguard).

This Article is proposed in order to align the outcome of the calculation for the Brookline Living Wage with the original intent of the Town when it passes Article 4.8. Article 4.8 requires the Town to notice all employees and, importantly, all businesses with service contracts with the Town for more than \$5,000, with notice of the Brookline Minimum Wage and the Brookline Living Wage. The notices reflect the values imbedded in Article 4.8 of the Town By-law. While there was some discussion at the Advisory Committee about whether or not By-law 4.8 was still needed given the recently approved increases in the Massachusetts minimum wage that have been approved by the legislature, this article does not address that. This article only seeks to clarify and modify the calculation for the Brookline Living Wage so that, at the very least, our Living Wage always remains \$1.00 more than our Minimum Wage

The Advisory Committee recommended one clarifying change: to add the word "Brookline" to clarify that the "Brookline minimum wage" is distinct from the State or Federal minimum wages.

## **Recommendation**

The Advisory Committee Recommends Favorable Action on the following amended motion under Warrant Article 9 by a vote of 20-2 with 2 abstentions.

**VOTED:** That the Town amend the General By-Laws, Part IV, Financial and Reports, Article 8.4, Living Wage By-Law, Section 4.8.2, Living Wage, and the title of Section 4.8.3 as follows (additions are **underlined**):

### **SECTION 4.8.2 LIVING WAGE**

(a) The town of Brookline ("town") shall pay each of its employees no less than \$10.30 an hour except as provided in Section 4.8.5 and in collective bargaining agreements with the town under G.L. c. 150E, section 7.

(b) The wage prescribed in paragraph (a) of this Section 4.8.2 shall be known as the "living wage" and shall be adjusted annually by the same percentage and on the same schedule relative

to wage adjustments given to full-time, nonunion town employees on the town's general pay schedule, beginning in the year 2003.

(c) The living wage shall also be adjusted annually at the time of and after the adjustment set forth in paragraph (b) of this Section 4.8.2 if necessary to insure that as so adjusted, it is at least one dollar more than the state minimum wage in effect under G.L. c.151 at the time of such adjustment.

**(d) Should the adjusted "living wage" fall below the "Brookline minimum wage" as defined in Section 4.8.3, the Town shall adjust the living wage to be one dollar (\$1.00) more than the minimum wage.**

SECTION 4.8.3 **BROOKLINE** MINIMUM WAGE

ARTICLE 9 ADVISORY COMMITTEE VOTES

Article Description	Living wage, as amended
AC recommendation (Favorable Action unless indicated)	20-2-2
Scott Ananian	Y
Carla Benka	Y
Ben Birnbaum	Y
Harry Bohrs	Y
Cliff Brown	
John Doggett	A
Katherine Florio	Y
Harry Friedman	Y
David-Marc Goldstein	Y
Neil Gordon	A
Susan Granoff	Y
Kelly Hardebeck	Y
Anita Johnson	Y
Georgia Johnson	Y
Alisa Jonas	Y
Janice Kahn	Y
Carol Levin	Y
Pam Lodish	Y
Linda Olson Pehlke	N
Donelle O’Neal, Sr.	Y
David Pollak	Y
Stephen Reeders	Y
Carlos Ridruejo	Y
Lee Selwyn	
Alok Somani	N
Christine Westphal	Y
Dennis Doughty *	
* Chairperson does not vote except to break a tie	