Human Relations • Office of the City Manager
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Mary Callery
Human Relations Director

MEMORANDUM

TO: Thomas Golden, City Manager

FROM: Mary Callery, Human Relations Director

DATE: June 9, 2022

SUBJECT: Motion 8.8 of 03/29/2022- J. Drinkwater

"8.8 C. Drinkwater- Req. City Mgr. Work with the HR Department to Identify Any Positions in Need of a Wage Adjustment To Keep Pace with the Current State Minimum Wage, or the Scheduled State Minimum Wage Increase to $15 Per hour in 2023"

The HR Office has identified the positions where salaries fall below the State's current minimum wage of $14.25 per hour. The majority of the positions affected are seasonal/summer employees employed by the Recreation Department and participants involved in Career Center grants; with the lowest wage being $13.50. When identifying salaries that are below the anticipated 2023 State Minimum Wage Increase of $15.00 per hour, the majority of the positions affected are seasonal/summer employees employed by the Recreation Department, Career Center Grant Participants, and a few part time Library employees. The hourly wage ranges between $13.50 to $14.75.

At present, the City is not subject to the minimum wage. A 2002 opinion letter from the Department of Labor Standards ("Applicability of M.G.L. c. 151 to Town Employees") affirms legislative intent to exclude state employees from the state's minimum wage laws. The department has determined that this applies to public employees working on behalf of municipalities as well. By enacting M.G.L.. c. 41, §108A, the Legislature evidenced its clear intent to treat municipal employees differently than other types of employees, including within Section 108A the means to establish a municipal compensation plan, establishing minimum and maximum wages. M.G.L.. c. 40, §21A gives municipalities the ability to establish hours, days, and weeks of work and leaves of absence including holiday, vacation and sick leave for all employees other than those appointed by the school committee. The opinion letter concludes that public employees fall under the rules and regulations of Chapter 149 of state law, the Labor and Industries chapter, for purposes of minimum wage and overtime, and not Chapter 151, regulating minimum fair wages.

While the City is not subject to the minimum wage, departments are able to use an increase in wages to attract candidates/employees. These such increases are limited to the department's current budget and appropriations.

Wages under current Minimum Wage of $14.25/ Hour

Job Class Code Desc	Location Code Desc	Group/Bargaining Unit Code Desc	Pay Type Description	Hourly Rate
LIBRARY PAGE	LIBRARY	CASUAL LABOR	REGULAR HOURLY	14.2500
LIBRARY PAGE	LIBRARY	CASUAL LABOR	REGULAR HOURLY	14.2500
STAFF	RECREATION - TEMPORARY	CASUAL LABOR	REGULAR HOURLY	13.5000
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OET PARTICIPANTS	TITLE I SUMMER YOUTH	OET GRANT PARTICIPANTS	OET BASE	14.2500

OET PARTICIPANTS	TITLE I SUMMER YOUTH	OET GRANT PARTICIPANTS	OET BASE	14.2500
OET PARTICIPANTS	TITLE I SUMMER YOUTH	OET GRANT PARTICIPANTS	OET BASE	14.2500
OET PARTICIPANTS	TITLE I SUMMER YOUTH	OET GRANT PARTICIPANTS	OET BASE	14.2500
OET PARTICIPANTS	TITLE I SUMMER YOUTH	OET GRANT PARTICIPANTS	OET BASE	14.2500
OET PARTICIPANTS	TITLE I SUMMER YOUTH	OET GRANT PARTICIPANTS	OET BASE	14.2500
OET PARTICIPANTS	TITLE I SUMMER YOUTH	OET GRANT PARTICIPANTS	OET BASE	14.2500
OET PARTICIPANTS	TITLE I SUMMER YOUTH	OET GRANT PARTICIPANTS	OET BASE	14.2500
OET PARTICIPANTS	TITLE I SUMMER YOUTH	OET GRANT PARTICIPANTS	OET BASE	14.2500
OET PARTICIPANTS	TITLE I SUMMER YOUTH	OET GRANT PARTICIPANTS	OET BASE	14.2500
OET PARTICIPANTS	TITLE I SUMMER YOUTH	OET GRANT PARTICIPANTS	OET BASE	14.2500
OET PARTICIPANTS	TITLE I SUMMER YOUTH	OET GRANT PARTICIPANTS	OET BASE	14.2500
OET PARTICIPANTS	TITLE I SUMMER YOUTH	OET GRANT PARTICIPANTS	OET BASE	14.2500
OET PARTICIPANTS	TITLE I SUMMER YOUTH	OET GRANT PARTICIPANTS	OET BASE	14.2500
OET PARTICIPANTS	TITLE I SUMMER YOUTH	OET GRANT PARTICIPANTS	OET BASE	14.2500
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OET PARTICIPANTS	TITLE I SUMMER YOUTH	OET GRANT PARTICIPANTS	OET BASE	14.2500
OET PARTICIPANTS	TITLE I SUMMER YOUTH	OET GRANT PARTICIPANTS	OET BASE	14.2500
OET PARTICIPANTS	TITLE I SUMMER YOUTH	OET GRANT PARTICIPANTS	OET BASE	14.2500