STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
INDUSTRIAL WELFARE COMMISSION

PUBLIC MEETING
FRIDAY, JUNE 2, 2006

CAL/ EPA BUILDING
BYRON SHER AUDITORIUM
1001 I STREET
SACRAMENTO, CALIFORNIA

PARTICIPANTS

INDUSTRIAL WELFARE COMMISSION:
DANIEL CURTIN, Chair
LESLEE C. GUARDINO
WILLIE WASHINGTON
TIM CREMINS
HAROLD ROSE

STAFF
DEANNA FONG, Legal Counsel
STEPHANIE E. LEACH
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CHAIRPERSON CURTIN: My name is Danny Curtin. I'm the newly appointed Chairman, Chairman of the Industrial Welfare Commission.

I want to make sure everybody's present. And we have Harold Rose; Tim Cremins; Willie Washington, also a newly appointed member; and Leslee Guardino. The other three have been -- well, two of them have been reappointed and from the last Commission.

Before I get started, I want to thank -- where's Mr. Dombrowski -- for his dedicated four years in the firing line. Thank you.

Oh, there he is.

UNIDENTIFIED SPEAKER: Hiding.

CHAIRPERSON CURTIN: Yeah, well now you have -- I notice your tie's off, so you got a whole new persona here. And I don't expect you to cause any problems for the new Commission. And if you do, we'll talk about it later, but that's okay.

You're going to have to bear with me. I've never done this quite before. The Commission, itself, is new to me. I got just appointed recently, so I'm not sure about all the procedures. We'll get to them eventually. Everybody who
wants to speak --

Hi, Tom. My hat's off to Tom Rankin.

Everybody who wants to speak will get an opportunity to speak. My job will try to -- help to try to keep you on point, as best I can. But I know we have some very good speakers here who know how to do whatever it is they need to do.

We have, basically, two orders of business here. The first is to consider -- the consideration of a petition from Governor Arnold Schwarzenegger dated May 18th, 2006, and a letter from Senator Abel Maldonado dated April 26, 2006, requesting the Industrial Welfare Commission review and increase the California minimum wage. That will be the major focus for our meeting. We will have another item on the agenda.

I also want to indicate that another petition was received by the Commission, but it was received after the notice of this meeting so that it is -- I believe it's illegal -- I'm going to ask the lawyers later -- to charact -- to bring it up at this meeting, but it has been noted, and we will bring it up at the next meeting, a petition for a similar request.

And having said that, I'm going to ask the board members if they have anything that I've missed or want to add or the legal counsel or the staff, or we will then
COMMISSIONER ROSE: Excuse me. Commissioner Rose.

I believe that the second item for the agenda should be considered, at least, I -- you asked for a legal opinion. You didn't get one. And now you're denying it, so I'd like to either have a legal opinion or accept the one for the American Labor Commission.

CHAIRPERSON CURTIN: Okay. Well, we actually haven't denied anything. The -- and I will ask the lawyer, if you're not comfortable with my answer, the attorney.

The Bagley-Keene Act basically says that you can't call a public meeting and then change the agenda between the calling of the meeting and the actual meeting. There has -- it actually has to be in the call of the meeting what the agenda is so that the public can be prepared to discuss it; otherwise, we could slip all kinds of things in here that nobody would have a clue about. So we have to wait till the next public meeting, where it will be noticed.

We do plan on having a meeting very shortly, and we're certainly not going to dismiss anything without proper consideration. So if you want the citations on that, I'll ask Deanna to get to them, but if you're comfortable with that, we'll just move on.

COMMISSIONER ROSE: I'd appreciate it if you would.

CHAIRPERSON CURTIN: Okay.
Okay. We're going to go to public comment on the issue at hand, which again is the consideration to -- the petition from the governor and a letter from Senator Abel Maldonado to review the minimum wage. Our decision here is to either set the matter for public hearing or deny the petition.

Anybody who would like to speak, line up at either one of these microphones. Feel free. We are -- if it's too many people, we will have to contain your comments to three minutes, but in the beginning, I only see a couple of speakers, so we'll be a little more flexible. Hopefully, five minutes will cover the territory. And if everybody wants to speak, we'll have to keep it a lot shorter. But right now, I'm going to ask Stephanie to keep an eye on the watch for about five minutes.

There are -- is there only one microphone? There's only one? Okay. I saw two podiums. There is one over there? Okay.

So you can feel free. We'll alternate microphones, okay?

And could the speakers please identify themselves, if they so desire? And onward and upward.

Mr. Pulaski.

MR. PULASKI: Mr. Curtin.

CHAIRPERSON CURTIN: How are you?
MR. PULASKI: Thank you.

Mr. Chairman, members of the Commission, my name, Art Pulaski, California Labor Federation.

We stand before you today to discuss the adequacy of the minimum wage, and we want to reflect for you a -- a number of important historical considerations. The first of that being that minimum wage is currently below the federal poverty guideline. The proposal that you have before you from the governor, even if it was implemented all today, would still impoverish all minimum-wage workers in the state of California.

Now, please note that the minimum wage in California would even impact greater the workers here than the federal poverty guidelines because the California cost of living is so high, and that's why the California Budget Project says that it really requires $12.44 per hour to stay above the federal poverty guidelines, if we're to do anything about pulling people out of poverty.

Now, having said that, let me say that we have submitted to you a petition to add to the minimum wage now a dollar over two years and then index it. And some further -- back to that in a moment. Some further historical perspective, if I may.

The IWC was defunded by the legislature in 2004 because, essentially, it failed to meet the legal
requirement to properly review the adequacy of the minimum wage. If you recall the governor's California Performance Review a year ago, the CPR, this is, if you remember, where the governor was going to, quote, blow up the boxes of government that was inefficient and unnecessary. One of the boxes that the governor proposed to blow up was this box of the Industrial Welfare Commission. Until last night, you had -- you had added two members of the Commission last night. And I want to quote to you, the governor said, "The Commission will be eliminated, and its authority to create the minimum wage and provide for the general welfare of employees will revert to the legislature for determination through the normal legislative process." That is, 120 members of the legislature elected across the State of California to address issues in a very detailed and complex kind of way. And now the governor suddenly is proposing to reverse himself and to have a five-member commission appointed by governor to resolve this issue rather than to have the full legislative process of 120 members elected by the public.

And so, Mr. Chairman and members of the Commission, I just want to say that we would recommend that you, in fact, defer, as the governor, himself, said when he defunded you, when he put a fuse in the box of the Industrial Welfare Commission to say that it was no longer necessary, we ask
you to defer to that.

Now, additionally, we would say this: I understood the Chairman to say that there was some -- another petition before you that was, quote, illegal. This is the first hearing, the first meeting of the Industrial Welfare Commission in at least two years. When we heard you were meeting, we submitted to you a petition to add a dollar to the minimum wage, plus add indexing. If you are now indicating to us that our proposal before -- received by you before your very first meeting is illegal, and the only option you have is to consider the governor's sole proposal, the proposal by the man who has appointed two members, including the chairman last night, last night, this petition before you to index the minimum wage was received before you were on the Commission, probably before you even knew how to spell "Industrial Welfare Commission."

[Laughter from the audience.]

CHAIRPERSON CURTIN: I still don't know how to spell it.

MR. PULASKI: And so we ask you to assure the public that you will, at least, consider in a formal, legal way, which you have every right to do, more than the governor's sole petition in this election year, to simply increase the minimum wage in a way that will maintain a below-poverty standard of living for more than a million minimum-wage
workers in California. We ask you to do the right thing, or allow yourself to be blown up with the boxes the governor has attempted to do, and refer to the legislative process which already, as you know, has moved two legislative bills off of two floors that say that we should index so that the governor should, at least, negotiate with the legislature on how we address the crisis in California of low-wage workers.

I thank you very much.

CHAIRPERSON CURTIN: Thank you.

Okay. Mr. Barry Broad.

MR. BROAD: Mr. Chairman, Barry Broad on behalf of the Teamsters, United Here, Machinists, Amalgamated Transit Union, other unions.

First of all, a legal point that I think you should consider: The governor does not appoint the Chairperson to the IWC, so you actually, Mr. Curtin, need to be elected by your fellow members. So I would put that on the agenda for some point. Maybe you're -- at this point, Mr. --

CHAIRPERSON CURTIN: May I interrupt just for a moment?

MR. BROAD: Mr. Chairman --

CHAIRPERSON CURTIN: I've been up here five minutes, and you're after me on this one.

MR. BROAD: Well, I just don't want you to, you know, violate any laws here.
CHAIRPERSON CURTIN: Okay. Thank you.

MR. BROAD: Mr. Dombrowski and I have a lot of collective memory about how the IWC works, and that is, in fact, the case. So I would suggest just as a -- just to kind of do things right, that you actually elect your Chair.

Secondly, on this issue of the timeliness of the petition, I don't think there's an issue there, but it's entirely beside the point, because the Commission, by its own motion, by its own power, can put any issue before the wage board. And you obviously would be engaged in a major shuck and jive if you, by some wacky legal technicality, didn't put indexing before this wage board, whether a petition was there or not. If any person here, including Mr. Pulaski, myself, anybody in the audience says, "Hey, you ought to look at indexing," you can look at indexing, and you can look at indexing if nobody mentions it, if it just kind of flows into your heads. It's, obviously, a major issue. Not to have the -- the wage board consider it is simply to cut off democratic debate. And this has already got a little bit of stunt here, in election year, politics stunt operation attached to it enough that you don't have to do that. You don't have to vote for it, but you, at least, ought to consider it. And I will point out that in every minimum-wage board that's ever been considered, the IWC routinely adds things; for example, a requirement that the
wage board consider other things that are included with the
minimum wage that go along with it; for example, raising it
as, customarily, every time it's ever been heard in decades
and decades, raised by the same percentage that it raised
the minimum wage, the amount of deduction that can be taken
from workers who are supplied meals and housing by an
employer in a separate section. That's not part of a
petition. That's just done by the IWC. So it's clear that
you can do this, and you should do this. And anything else
is just -- would be sort of a cheap evasion of your
responsibility. And it's not going to fool anybody, much
less the press over there.

So in terms of considering this issue, obviously the
unions we represent believe that the existing system, where
we never index the minimum wage, means that all we do is:
Workers fall farther and farther behind. Every few years,
we have some nightmarish, stressful debate about how much to
raise the minimum wage. We -- we can really sort of allow
employers to do a little bit more planning. All the issues
that can be raised around what index, and what index is
appropriate, and how to deal with upturns and downturns in
the economy, can be accommodated in any proposal, and -- and
so it's an issue that has -- its time has come. It's the
trend in a number of states who have voted for it, I believe
So you -- you should really consider it and make sure that we're not out of step with the other western states so we don't -- you know, we're not lacking in competitiveness, you know.

So with that, also, I'd like to also note to you that we have submitted a petition on our -- of our own, the Teamsters and the Amalgamated Transit Union, relating to overtime with respect to commercial drivers. I'd like to address that in item three of your agenda, any other business, if I could, unless you want me to do it now.

CHAIRPERSON CURTIN: Well, may I?

I would assume that that petition would be discussed at the next meeting.

I'm looking at -- Deanna?

MS. FONG: You can discuss it, but you can't take any action on it.

CHAIRPERSON CURTIN: Okay.

So if you feel the need to do it, go right ahead. You'll get another opportunity.

MR. BROAD: Okay. Well, what I --

CHAIRPERSON CURTIN: I also want to tell the speakers that there will be ample opportunity to discuss all of the issues. As Barry Broad pointed out, we are not constrained by the contents of any petition. These issues will be discussed thoroughly. So I want you to understand that
that, at a minimum, will happen. And to the degree that we
do it at this meeting, we will. But this will be on the
table. You can have my word for that.

MR. BROAD: With respect to our petition, it's a
petition to eliminate the exemption for overtime for
commercial drivers whose hours of service are regulated by
the federal or state government. It's an issue of great
concern and impacts public safety and highway safety. While
we're not asking you to, obviously, take action -- you're in
receipt of the petition -- I would request that you make a
motion today to put it on your next hearing or for
consideration and possible appointment of a wage board.

Thank you.

CHAIRPERSON CURTIN: Thank you.

I'm not sure a motion's necessary for that. I
believe, since it's been sent in, we have a meeting coming
up soon. It will be on the agenda or -- I don't believe
we really need a motion for that, do we?

MR. BROAD: No.

CHAIRPERSON CURTIN: No motion necessary.

Excuse me. Now, I would like to alternate. I didn't
realize people were lined up over there. When she's done,
we'll come back to you.

MS. JONES: That's fine.

CHAIRPERSON CURTIN: Ms. Broyles.
MS. BROYLES: Good morning, Mr. Chairman, Members.

Julianne Broyles from the California Chamber of Commerce.

It's deja vu all over again with the IWC meeting for
the first time in two years. Welcome back. It's going to
be an interesting process, it appears.

CHAIRPERSON CURTIN: Not for me, it's not.

MS. BROYLES: California Chamber is the largest,
oldest and most broad-based employer organization here in
California. Our members, numbering approximately 16,000,
employ over three million workers here in the state of
California, more than a quarter of the state's work force.

We would like to present some thoughts to the IWC
today and to the Commissioners for their consideration as
part of what we believe should be included in the charge to
any potential wage board on the minimum-wage issue.

From the outset, we do want to make sure that
Commissioners understand: We are very supportive of
policies that expand the opportunity for jobs and a -- and a
growing economy here in California.

What we would like to do here today is -- is point out
there are ways other than minimum wage, or along with
minimum wage, that could make life better for California
workers and California business; at the same time, not harm
the economy.

There are seven issues that we believe, at the
minimum, that should be added to any charge to the
Industrial Welfare Commission. First of all, information
must be provided to the wage board, illustrating how moving
the minimum wage from 6.75 to 7.75, will make California
home to the highest minimum wage in the nation.

We also believe that the information should be
considered and backup information provided to any potential
wage board members on the authority and the authority limits
of the Industrial Welfare Commission on a wage board, on
what they can and cannot consider when looking at the
adequacy of the minimum wage, particularly as it pertains
solely to the minimum wage for a single worker. We do not
believe that there is any statutory authority for the
Industrial Welfare Commission to consider indexing. We do
not believe -- the increases in the minimum wage, we also
believe information should be illustrated to wage board
members showing that there is a wide range of economic
impacts that are associated with any increase in a
government-mandated wage.

There is also side issues, such as the status of
a manager here in California is tied to what the rate of
the minimum wage is. That economic impact, we believe, also
should be examined and addressed in any wage board
consideration.

There is concern over the rapid rate of implementation
that the proposed petition, or that the petition in front of
the Commission today, might have on the business economy.
Nine months is a very quick time to put in a dollar
increase, so we would like that to be examined. And we
think there are other ways to remove barriers to economic
success here in California and, again, would like those
issues presented to any wage board.

As I noted, California's minimum wage is one of the
highest in the nation. Today, California employers pay
approximately $3,300 more per minimum-wage worker than any
other -- than most comparable states in the nation. Raising
it another dollar would raise that division between
California base wages for minimum wage, and the rest of the
world and the rest of the nation would raise up to $5,380 in
difference between what we pay on base wages and what other
states pay. We think, again, this is an issue that should
be, at least, discussed.

In terms of the statutory authority on indexing, we
would like to point out that in the materials that you have
for the Commission today, you note that there is Labor Code
1173, and in that, it says that it is a continuing duty of
the Industrial Welfare Commission to examine the adequacy of
the state minimum wage. The continuing duty, we think, is
something that would actually prohibit you from considering
indexing, because you would be forfeiting or ignoring the
duty given to you statutorily by the legislature to continue
and to monitor and to increase the state minimum wage, as
you deem fit, on an ongoing basis. We do believe that you
do not have any authority, whatsoever, to add indexing to
any possible charge to a wage board.

As we noted, minimum wage increases do have real-world
impacts. It affects our workers' comp rates, our
health-care rate, our insurance rate on other types of
employment areas, and it also affects our tax rates. Again,
we think these issues should be examined.

Last of all, we do think that there are other ways
that we can make California's economy much more beneficial
to both employers and to workers. We think that there is a
number of ways, whether it's capable here by the Commission
or by the legislature, but certainly, we think that policy
makers should look at ways to make California more
competitive. We think that there should be a delink between
the minimum wage and the exempt-worker status. We think
that that is an unseen cost that is costing many managers
their -- their ability to maintain their manager status. We
think that they should reduce costs in supplying employee
benefits to California workers. We should increase the
opportunities for small business formation here in
California. We think that increasing the skills of both our
current and our future work force is paramount to any type
of competitive basis of the California business economy in 
reducing regulatory red tape.

Happy to answer any questions.

Thank you for your time today.

CHAIRPERSON CURTIN: Thank you.

I'm sorry. I don't know your name but --

MS. JONES: Billie Ann Jones.

CHAIRPERSON CURTIN: -- if you'd identify yourself?

MS. JONES: Yes. Good morning, Mr. Chairman and

members of the committee. I appreciate the opportunity to
appear before you to talk about the impact that as --

increases of minimum wage with indexing will have on

hard-working families, and how this would relieve the

struggle we have been through because the minimum wage has

not kept up with inflation.

My name is Billie Ann Jones, as I've said before. I
have been an ACORN member for about a year. I am a
minimum-wage earner. I have been working for a employment
agency as a administrative assistant, customer service,
receptionist for three people, but yet I just get 6.75.

Through -- the work is hard. My wages are not enough
to cover my expenses. This means that to make sacrifices,
like choosing between utility bills, food, gas, PG&E, water,
those type of things, and others, as well as health care, my
wages have not helped in the least. I need help, so
therefore, I'm asking that you do something about it. You have the power to do it. I know the Word says -- and I am a widow, indeed, and I believe the Word of God. He has placed you in authority to use righteous judgment in balancing and weighing out things that needs to be done.

I'm crying out not only for -- not only for this state, for the county, but for Richmond, California. San Francisco is getting $10.00 an hour. Up in Sac, God knows what. But one thing I do know: When it comes to wages, when you want a increase, you get it. You vote for it. You get it. You don't put it to the people. You get it. When it comes to the governor, whatever things that are needed, he gets it.

What about the poor and the needy? What about the innocent that are out there? Who's going to protect us? You know. Nobody has to tell you the cost of gas prices. Nobody has to tell you about the utilities. Or do you care? The point being is that people need help. They expect you to do the right thing. You know, you don't live where we live, some of us, but now, if you choose to do it for six months, we wouldn't mind. That way, you will know what's going on, and you will have a different attitude. Sometime when you don't know where people are coming from, you have no idea, you could care less. But once you're put in that position, you'll do everything to fight to get out. So
that's the reason why I'm here today, to speak, not only to
share what I feel and others that are unable to come, some
scared to leave their jobs to come to talk here today. Me?
I don't care. It's either live or die. So I'm here to face
you now, not only for myself, but others. We need help.
You're appointed. You're in authority. Do something about
it. That's why you're here. Not to just kick us off like
we're nobody.

This is the highest state in the world. Why are we
down to 6.75 in Richmond, and San Francisco is -- a rock
could throw there, and they're getting $10.00 an hour. It
doesn't make sense. So, again, I want to stress, please, do
something about this. You're in authority. Do it.

Thank you very much.

CHAIRPERSON CURTIN: Thank you.

The mike to my left.

MS. BROWN: Good morning. My name is --
CHAIRPERSON CURTIN: Identify yourself. Thank you.
I'm sorry.

MS. BROWN: My name is Fannie Brown, and I'm a
member of ACORN, and I'm from the North Elmhurst
neighborhood in Oakland.

I'm here today to explain the plan launched by the
minimum wage should not only be increased, but also indexed
to inflation. Indexing may sound like it's a fantasy term,
but it's really very simple. If we don't index the minimum wage, its buying power decreases year after year, and minimum-wage workers fell farther and farther behind.

First, index -- every -- everyone knows that the price of things are always going up, whether or not the minimum wage does. So it is simply a matter of whether or not our state's lowest-wage workers will be able to afford inflation costs of things like gas, groceries and utilities.

Think about it. A significant wage against raising the prices is like getting a pay cut, plain and simple. One example: According to the study released last week, a minimum-wage worker in California in two-zero-one (sic) had to work -- had to work five-and-a-half hours to pay for a tank of gas. In May of 2006, the same workers would have to -- the same workers would have to work ten hours just to fill up their tank of gas. That's more than a day's work to drive their car, and almost twice what a -- what you would take -- what you would have taken five years ago, it would have taken five years ago. For it is fair. Low-wage workers perform most -- some of the hardest disasters (sic) and most important jobs in our community: clean our buildings, empty our bed pans, wash our kids -- watch our children, park our cars. We would like to accept the type of work to go without annual cost-of-living adjustments.

Don't most of you get an annual increase? And so, many other
things have annually increases built in. Think about it.

If they stop indexing Social Security, there would be
rioting in the streets.

It better for business. Business -- businesses kept
-- business complain about having to raise wages. But,
given that we are going to keep fighting this fight coming,
annually indexing helps businesses plan ahead for regular
raises rather than be -- be forced to respond whether
politics pass bills or -- politicians pass bills or vote to
pass a ballot measure.

Indexing takes the issues out. Primarily, indexing is
the minimum-wage means that wouldn't have to fight this
fight year after year. We have other things to do to take
our state a better -- to make our state a better place to
live for everyone. At least, people supporting indexing,
like the minimum wage, in general, indexing has popular
support. States like Washington, Oregon, Nevada, Florida
have already indexed wages through successfully ballot
measures. In Florida, the measure passed with a whopping
71 percent of the vote. Polls continue to show strong voter
support for raising the minimum wage with annual -- with
annual increases. As a result, there are four additional
states moving minimum-wage increases proposed to November
'06 ballot, which includes annual indexing: Ohio, Colorado,
Missouri and Arizona.
I -- I want to close just by saying that I think it's crucial to raise the minimum wage one year, and then let workers suffer the next (sic). If it is right -- if it is the right thing to do now, then the right thing to do next, but then get -- but then get out there and take credit for people working -- people, they just not following anyone. We just -- we just don't buy it. If we -- if we do it, let's do it right. Increase the minimum wage without (sic) -- without (sic) indexing.

Thank you.

CHAIRPERSON CURTIN: Thank you, Ms. Brown.

Actually, our lines are getting longer rather than shorter, so I'm going to ask, particularly those who are used to testifying and are here representing organizations, to get directly to the point. People who've traveled here to have their say, feel free to say what they need to say. But those who are up here representing organizations, please stay as focused as possible.

This microphone. Thank you very much.

MS. BRASMER: I sort of fall in the middle of that request.

CHAIRPERSON CURTIN: Then --

MS. BRASMER: I'm Nan --

CHAIRPERSON CURTIN: -- then do it in the middle.

However you feel right.
MS. BRASMER: Okay. I'm Nan Brasmer, and I'm president of the California Alliance for Retired Americans. We're a coalition of organizations representing retirees, active working individuals, homeowner associations, tenant associations, churches, et cetera, and we represent about 750,000 members from those groups, and we're here -- I'm here because I'm concerned about the minimum-wage issue. Many of our members, as retirees, are working for minimum wage to supplement a very low Social Security or pension. They need their jobs. Not -- it's not this 'get out of the house and give those old folks something to do.' They really do need the money, and minimum wage for them has been very stable for all this time. So there are 1.4 million wage -- minimum-wage workers in this state. Eighty-four percent are over the age of 20, and many of that 84 percent are retirees. So I'm here to speak on their behalf, primarily.

But, you know, there's honor in work, and it doesn't matter if you're the governor of this state, or if you're the custodian in the State Capitol. Your work is honorable and should be honored. And the workers who do the work at the lower end of this spectrum deserve to have a minimum wage that will help them get themselves out of poverty because we know people who are earning minimum wage are in poverty, in the poverty level, and they take advantage of
the poverty programs that are available to assist them.
If we paid them a decent wage and indexed it so they could count on some sort of raise every year based on inflation, they would be able to pay for those services and not be dependent upon them all the time. It would also increase their feeling of dignity because they could be proud, then, that they're earning a decent wage, and they are able to look after themselves.

The minimum wage folks that we talk to are home-care workers, nursing-home folks -- and that's what you have to watch out for 'cause when you get to the home, you want that person well paid so they'll take good care of you. Service jobs -- clerks, custodians -- all those folks, are minimum-wage workers in many cases. And my favorite, fast-food restaurants, for sure, fall into that category. So, you know, it's something that covers a huge spectrum. It's not just a certain group of people.

We'd like to be able to have you take action, and I know you aren't going to do that today but, certainly, to consider the indexing issue because it gives people an expectation of having a little bit more. It isn't going to be a huge amount; we all know that. It never has been. I think the indexing on my Social Security check was 1.78 percent this year. It's not a lot of money. Trust me.

And then, too, you know, I read the other day, the
governor, bless his heart, is indexing his staff's payroll. If it's good enough for the governor's staff who aren't making minimum wage, Boys and Girls, it's good enough for everybody else, as well. And I think that's a very serious thing you need to consider.

So I thank you for your time, and I look forward to having my request honored.

CHAIRPERSON CURTIN: Thank you for your testimony.

COMMISSIONER CREMINS: Mr. Chairman?

CHAIRPERSON CURTIN: We'll go to this side.

COMMISSIONER CREMINS: Mr. Chairman?

CHAIRPERSON CURTIN: Tim.

COMMISSIONER CREMINS: Maybe in the interest of expediting testimony, I would make a motion, if proper, to set this matter for public hearing and accept nominations for a wage board --

CHAIRPERSON CURTIN: Actually, Tim, I --

COMMISSIONER CREMINS: -- if proper.

CHAIRPERSON CURTIN: -- think that's a little out of order until our public testimony is over. At that point -- unless you've got a date, or something.

COMMISSIONER CREMINS: Unfortunately, no.

CHAIRPERSON CURTIN: Okay. Good. Then we'll --

we'll just continue.

And I will encourage everybody, again -- and it's
starting to look like the suits are coming, so they should
know enough to keep it pretty quick and -- and move on.

We'll start on my left.

MR. TERRY: Good morning, Mr. Chairman --

CHAIRPERSON CURTIN: Morning.

MR. TERRY: -- and members of the committee.

I'm Parke Terry, and I came by today to express the
support of the California Landscape Contractors Association
for this process. We have been a -- a vocal opponent of the
automated cost-of-living adjustments that have been in some
of the legislation that has been put forward on this. We
were also one of the few employers who supported SB 1167,
Senator Maldonado's bill, earlier this year that -- that
increased the minimum wage, but did not increase -- or
include a COLA.

We believe very strongly that this process needs to be
run by an adult, that there has to be human responsibility
and accountability for the decisions. And for that reason,
we -- we think this is the right way to go. We've advocated
for some time that this is the proper venue for this
decision to be made, and we encourage you to go forward with
this. And that's -- that's our testimony.

Thank you.

CHAIRPERSON CURTIN: Thank you very much.

To my right.
MR. PURSLEY: Members of the Commission, my name is Peter Pursley. I'm with the Applied Research Center in Oakland, California. We're an organization that addresses matters of urban policy.

We would simply like to point out today that 73 percent of persons making the minimum wage up to 7.74 are persons of color. This country has a long heritage of racial injustice, and this is an opportunity for the Commission to strike a remedial blow.

Speaking personally as an attorney, I would point out that any argument that your continuing duty to examine the minimum wage precludes considering indexing is not well taken. You can adopt indexing and still discharge your duty by continuing to examine the adequacy of the minimum wage.

Thank you.

CHAIRPERSON CURTIN: Thank you.

To my left.

MS. DUNBAR: Lara Diaz Dunbar on behalf of the California Restaurant Association.

We just want to assert that we -- we've always asserted that this -- the IWC is the more appropriate body to consider a minimum wage increase in this state, as opposed to the legislative process. So we do agree and believe that this is the right forum to consider the
adequacy of the minimum wage.

However, we don't believe that the IWC has the authority to add an indexing mechanism. In fact, the IWC is tasked by statute with looking at the adequacy of the minimum wage every two years. We believe this is the -- is the better mechanism to address inflation and to consider increases, is through this body.

That having been said, we look forward to engaging further as this process proceeds forward. We have been opponents of the minimum wage for several reasons, the main one being that in the restaurant industry, there's a paradox that's created, where our highest-paid employees are the minimum-wage earners because they get tips. And so it makes it harder for the back-of-the-house folks, who may make slightly higher than a minimum wage, to get increases, and increased labor costs will make it harder for businesses to stay alive. And because of this, we've typically been opposed to minimum wage.

Thank you.

CHAIRPERSON CURTIN: Thank you.

To my right.

MR. ABRAMS: Mr. Chairman, members of the Commission -- members of the Commission, my name is Jim Abrams. I'm with the California Hotel and Lodging Association.

Very quickly, I will say that we support the positions
that have been articulated by Ms. Broyles of the Chamber of Commerce, Mr. Terry and Ms. Dunbar of the Restaurant Association.

I would like to add that we have always taken the position that the level of the minimum wage in this state, or in any state, needs to be taken in -- in context. And some issues that are often overlooked but that are very critical to determining what the proper minimum-wage level should be are, number one: California, right or wrong, is one of three states that has daily overtime. And that has a benefit to employees, obviously, but it also has an economic burden to employers, and particularly with reference to interstate commerce. The fighting that goes on for California -- in our case, hotels, the hospitality industry, the tourism industry, vis-a-vis the states that don't have that.

Also, we are one of four or five states that has no tip credit; in virtually every state in the country, but for those four or five, employees who earn more than a certain amount of money each pay period in tips, the Federal Labor Standards Act allows the employer to take a specified credit against his or her minimum-wage obligation. And, again, we are one of the few states that does not allow that. And in the hospitality industry, that is particularly troublesome.

Also, based on research we've done with respect to
past minimum-wage proceedings before this Commission, we do
know that the cost of a typical convention or business
meeting in California, the exact same meeting, if you were
to hold it here, LA, San Francisco, et cetera, compared to
other cities in states where we compete is, depending on the
season, depending on the circumstances, anywhere from 40 to
60 percent more. Now, that is a -- a result not certainly
only of the minimum wage and many other factors in
California, and it's been mentioned by Mr. Pulaski, it's the
cost of living, et cetera. And those are certainly very
ture statements. But to look at the minimum wage and say,
we're going to only look at the dollar amount that's
involved, without taking that in context, we feel, is really
missing part of the problem.

And I would like to underscore what Ms. Dunbar just
said, that the best way to deal with the inflationary
impact, whether it's good, bad, whether it's high, whether
it's low, whether there are countervailing considerations
over and above the CPI, is best dealt with in the process
that the legislature has set up for this Commission, which
is to review the minimum wage every two years. And the key,
really, is for this Commission to do that job in a more
efficient, regular and consistent manner than has typically
been done in the past.

Thank you very much.
CHAIRPERSON CURTIN: Thank you very much.

MR. SCHMELZER: Thank you, Mr. Chairman and members of the Commission. My name is Jason Schmelzer with the California Manufacturers and Technology Association.

While most manufacturers generally do not pay the minimum wage, it does affect us in -- in a couple of very important ways: First of all, the manager-exempt issue is a problem for us. In order for an employee to be considered exempt as a manager, they must be paid twice the minimum wage. Under the current proposal, the one-dollar increase in the minimum wage would result in a $4,160 increase in pay for somebody that is making that minimum managerial-exempt salary.

Secondly, there's also interplays -- interplay with wages and other costs for employers, such as Workers' Compensation premiums, Unemployment Insurance, State Disability Insurance, et cetera. As a representative of the manufacturing industry, an industry that pays somewhere between 50 and $60,000 average salary, this creates problems for us. We have other costs that are extraordinarily high in California, right along with labor, and what we're concerned about is not seeing an increase in the minimum wage result in a decrease in good jobs that the manufacturing industry provides, so we would hope that the Commission consider that as they move forward.
Thank you.

CHAIRPERSON CURTIN: Thank you.

On my right.

MR. LYON: Michael Lyon, California Alliance of
Retired Americans and Gray Panthers.

Why is it that the better the economy does, the
worse is the life for working families? I've got two kids
in their early -- in their 30s. Both of them have
three-year-old -- or both of them are married. Both of them
have three-year-old kids. My daughter lives downstairs from
us in our base -- in our downstairs floor. She and her
husband are both in -- going to school. They're trying to
be able to get out of their jobs as coffee servers. Unless
wages are indexed, minimum wages are indexed, they are never
going to be able to move out of downstairs.

We'd like to get out of our house and move into a
smaller place. We can't. We're being held hostage to them.

CHAIRPERSON CURTIN: Sounds pretty fierce.

MR. LYON: And the reason -- and the reason this is
happening is because minimum wage is so low and because it's
not being indexed. They are falling further and further
behind.

My other son used to live in San Francisco. We don't
see him very -- very often because he had to move to Davis
because of the housing costs were so great. He is falling
further and further behind. He works in landscape.

This has got to change.

CHAIRPERSON CURTIN: Thank you very much.

To my left.

MR. SHAW: Thank you, Mr. Chairman and Commission members. My name is Michael Shaw. I'm representing the National Federation of Independent Business. We have approximately 36,000 small business owners as members across the State of California and 600,000 nationwide.

As -- as we all know, small business is the engine of the -- California and the national economy, and anything that impacts their ability to be successful to create a more vibrant economy affects the availability of jobs at all wage levels.

I appreciate the -- the previous witness' comments about his children -- or his son-in-law, daughter -- or daughter attending school. That is exactly an issue that needs to be addressed, is education, because that is one way that individuals can lift themselves out of a minimum wage job. Additionally, acquiring new skills through the work experience is another way that skills can be acquired and job benefits can increase pay and wages of all -- of all ranges. And that is the one way that this Commission needs to consider the impact, is the avail -- the impact to that process, of increasing the minimum wage.
Small-business owners have told us, time and time again, that one of the ways that they deal with increase in business costs is to cut jobs. If they don't cut jobs, necessarily, they -- they certainly do end up cutting hours, cutting wages in other areas, other benefits, and we're simply reducing the opportunity for many of the individuals who the minimum wage purports to help, reducing their opportunity.

I would also echo -- echo the comments of Mr. Abrams earlier in encouraging the Commission to also consider restoration of the 40-hour work week here in California. As noted, we are one of a handful of states that has this restriction on employers, and employees alike, that limits their ability to meet the needs of both their business and their family. It's very often overlooked that those that often call for the index of the minimum wage are -- some of those that call for the index of the minimum wage, enjoy the benefit of not being restricted to an 8-hour workday.

We would encourage the Commission to consider that issue, as well, when the wage board is convened.

CHAIRPERSON CURTIN: Thank you.

To my right.

MR. SANDAHL: Good morning.

CHAIRPERSON CURTIN: Good morning.

MR. SANDAHL: Chairman Curtin and Members of the
Commission. My name is Lee Sandahl. I am a member of, and I am speaking on behalf of the International Longshore and Warehouse Union.

The Union feels strongly that it is time to raise the minimum wage. But raising the minimum wage is only a partial solution. Indexing is the other part. Indexing will allow workers to, at least, keep up with the cost of living. Longshore workers and their retirees have COLAs built in their collective bargaining agreements. So I'd like to actually ask all of you that isn't it time that the state with the world's -- or one of the world's largest economies and wealthiest economies start to support those workers that made this possible.

CHAIRPERSON CURTIN: Thank you very much.

To my left.

MR. WALKER: Good morning, Commissioner Curtin and other commissioners. Chris Walker on behalf of the Automotive Repair Coalition of California, representing about a third of the industry, the service providers in the industry, 10,000 businesses, over a hundred thousand employees.

We're here to affirm our support for the IWC as the appropriate forum for discussions about increases to the minimum wage. We're open to discussions about increasing
the wage.

What we're absolutely against is the index. We think getting rid -- or establishing an index gets rid of a very important tool for California to address the complexities of the economy and the market. As we look forward with the increasing interest rates, an uncertain economy ahead, employers are very concerned about the multiplier effects that would occur in our industry.

Now, just -- just to be clear, very few mechanics are getting paid minimum wage in the auto -- in the auto repair industry. But there is a multiplier effect in the wage -- in the wage associated with the auto repair technicians. There's also multiplier effects when you look at workers' comp, when you look at all of the other overtime, et cetera, et cetera.

So when a wage board is selected and -- and put into place, we would want to make sure that the complexities and the multiplier effects are brought into consideration, and we would also oppose vigorously any index.

Thank you.

CHAIRPERSON CURTIN: Thank you.

On my right.

MR. SCHACHT: Mr. Chairman, Members, Mark Schacht, California Rural Legal Assistance Foundation.

Obviously, we support an increase in the minimum wage
of, at least, a dollar, and we, obviously, also support indexing.

I want to make a couple of quick points. We'd ask the Commission and when it makes its charge to the wage board, that it not restrict the discussion to just an increase of a dollar, but that it be, at least, a dollar, and that it also specifically include indexing.

We'd also request that when the wage board members are named, that they -- I'll use -- I'll use a pejorative here, that it not be stacked in favor of those who are only supporting a one-dollar increase and those who are opposing indexing.

A final point is on the legal authority of the Commission to address indexing and adopt indexing. We think that, even though you have a statutory mandate to review the adequacy of the minimum wage every two years, you could implement that mandate in the context of indexing by assessing whether indexing was adequately protecting minimum wage.

Thank you.

CHAIRPERSON CURTIN: Thank you very much.

On my left.

MR. GABRIEL: Yes. Thank you.

My name is Roy Gabriel --

CHAIRPERSON CURTIN: Hi, Roy.
MR. GABRIEL: -- representing the California Farm
Bureau Federation. We represent eight -- 88,000 farmers and
ranchers here in California.

The minimum wage has been a major issue for us because
we simply cannot easily pass those costs on because the
fruit and vegetable industry, as many of you know, is based
on supply and demand. If we were operating in a vacuum
here, that wouldn't be an issue, but we compete heavily with
other states and other countries, as well. California --
while California produces the finest fruits and vegetables
on -- on the face of the earth, our production costs are
also the highest, and you need to take -- take that into
serious -- serious consideration when you consider a
minimum-wage increase, or even the thought of possible
indexing.

Thank you.

CHAIRPERSON CURTIN: Thank you, Roy.

To my right. Nice to see you.

MS. NEGRETE: Nice to see you.

I'm Carolyn Negrete. I'm representing the Older
Women's League, and we support increasing the minimum wage
and indexing the minimum wage.

But we would probably go a step further. Just a few
days ago, we had our Big Ideas Series meeting, which was
focused on poverty and wealth and the -- and California
legislation. It is clearly time that we end poverty.
You've had a committee in the Senate to end poverty. There
is still work being done on that. We especially need to
look very carefully at government-sponsored poverty and see
that we are not part of the problem. We know that poverty
in any nation is a -- pulls down the economy, and we need to
-- we need to start being smart about how we're making
decisions and why we're make decisions.
Thank you.
CHAIRPERSON CURTIN: Thank you.
On my left.
MR. AGEE: Good morning, Mr. Chair, members
of the Commission. My name is Jovan Agee, representing the
United Domestic Workers of America, AFSCME. We represent
55,000 in-home supportive-services workers in the state.
They go in the homes and take care of the frail, elderly and
disabled, many of them at minimum wage.
I would just like to concur with many of the comments
made today, that is, calling for a minimum wage, plus
indexing, and I've brought with me a member today that can
tell you better than I can how hard the work is, to do it at
6.75, and not know when again when they might get their next
raise.
Thank you.
MS. YOUNG: Hi. Thank you for your time. My name
is Carrie Young. I'm an in-home supportive worker in Merced County, California.

I'd just like you to take into consideration that when you go to the gas pump or you go to the grocery store, we pay the same money that you do. If you bought a gallon of gas last week, yesterday, you know what it costs. But we do it with a lot less money. You go into the grocery store and buy your filet mignon. Many of us don't. Just think about that. Okay?

Thank you.

CHAIRPERSON CURTIN: Thank you.

You know, I'd like to reserve, if you would indulge me, Mr. Rankin is an old colleague of mine and is extremely astute and articulate on this issue. If I could reserve his comments till the end, and if we could try to wrap up the other public comments, I think it would be helpful. And he's agreed to that.

So if there are some more comments, please come to the mike. But if they've already been stated, and you're just restating the obvious, please consider your comments and keep them as brief as possible.

Thank you.

MR. GAITAN: Good morning. Andrew Gross Gaitan. I'm the Vice-President of SEIU, Local 877. We represent about 30,000 private-sector service workers, primarily janitors,
Josefa Mercado is our shop steward for Downtown Plaza here in Sacramento, and she has a few comments for the Commission.

CHAIRPERSON CURTIN: Okay. Thank you.

MS. MERCADO: My name is Josefa Mercado.

CHAIRPERSON CURTIN: Closer to the mike. Thank you.

MS. MERCADO: Okay.

(Ms. Mercado's statement is in Spanish and interpreted by Mr. Gaitan.)

MS. MERCADO (through interpreter): I've been working for thirty years as a janitor, and the minimum wage has never kept up with the cost of living. And it's not much that janitors earn doing this work, and it's not fair to stay at that level. We'd like the -- the minimum wages to keep up with the cost of living.

And I've been here for so many years. I'm Puerto Rican, and I've been working here in Sacramento for more than thirty years, and we -- the minimum wage is just not enough to be able to support a family. That's why we want to see it connected to the cost of living, because everything goes up: gas, rent, food, clothing. Everything.

CHAIRPERSON CURTIN: Thank you very much.

MR. GUZMAN: My name Victor Guzman. I've been a baker for 39 years. I've retired. Representing the Bakers Union
today. Wrong outfit but baker, regardless.

Anyway, I'd like to say that we're all here on the board (sic). We're all here, and a lot of older ones. We remember what Wonder Bread used to cost. Twenty-five cents? Don't cost 25 cents anymore. Just like our wages, they have to go up. Minimum wages definitely have to go up in order for us to -- to continue.

These kids that we have working in the businesses, general business, they have to know computers. They have to pay for schools. They have to pay for this, they have to pay for that, and we, the bakers, we support a wage increase. That I would just like to let you know.

CHAIRPERSON CURTIN: Thank you very much.

MR. GUZMAN: Bakers do.

CHAIRPERSON CURTIN: Appreciate it.

MR. GUZMAN: Thank you.

CHAIRPERSON CURTIN: On my left? Because if there's more public comment, this is the time.

By the way, this is not the last opportunity -- trust me -- to be speaking out on this, so don't feel compelled if you're not prepared.

Go ahead.

MS. FIELDS: Hi. My name is Favien Fields, and I just became a member of the ACORN. But we traveled here from Fresno, and I'm here to speak on -- as far as the
minimum wage.

I've done work as an in-home-care service worker and worked with minimum wage. I've raised three children working just on minimum wage, and truly, it's been a struggle with minimum wage and public assistance.

I'm for the minimum wage increase per year. I have came and lived in Sacramento, and I've reaped the benefits of living in Sacramento. And I know the -- that there is a big discrepancy with the wages that are paid here than what we are being paid in little Fresno. And as a parent and as a person in a community where there is crime, and things like that, I feel that that has a lot to do with the increase in the minimum wage.

A lot of my friends my age I've talked to and encouraged them to go into jobs and pursue their education, and a lot of them come with, you know, the thing that 6.75 is not enough, you know. What's the need of going to work? I'm one of those who -- who is continuing my education. I'm working with the school district. It's part-time. I've went to 9.17 an hour. Even though it's part-time, it's still not enough. And in California, we're requiring insurance and different things like that. I have to choose between registration, car insurance or paying for medicine or shoes or clothes, or things like that.

So if you would, please consider raising the minimum
wage. That would be great for all of us.

CHAIRPERSON CURTIN: Thank you very much.

And I'm going to assume -- okay. Tom, will you wrap it up. I think we'll -- we've had a -- a pretty good discussion.

MR. RANKIN: Thank you.

CHAIRPERSON CURTIN: You're welcome. Pleasure to see you again.

MR. RANKIN: Good to see you. I -- I actually didn't plan to say anything, but I see that the aging process doesn't affect my adrenal glands, and when I hear things like the Chamber of Commerce saying that they represent two million workers, and that's one-fourth of the state's work force, I begin to wonder about how they color the other facts. Since last I knew, the work force was about 17 million, and that's about one-eighth. So, anyway, if they can't get that right, they don't get much else right, either, I don't think.

The -- but -- but, first of all, I want to talk about their arguments that you can't consider indexing. But before I get into that, I think you might want to ask yourself a more basic question, and that is: Whether you have the authority to do anything, under the present circumstances, since the constitution says that: The legislature may provide for minimum wages and for the
general welfare of -- of employees, and for those purposes, may confer on a commission legislative, executive and judicial powers. Well, when the legislature defunds something, someone might take the position that you're no longer conferred with any of those duties because the legislature saw fit, and the constitution gives the legislature the authority to govern you, not the governor. So one might ask whether the governor has unilateral authority to reconstitute the Industrial Welfare Commission.

We all remember when the governor unilaterally did away with Cal-OSHA. It took an initiative to get it back, and the legislature couldn't even do anything about it. So we're going to watch these unilateral moves here.

Anyway, in terms of the legal argument that you have no statutory authority to consider indexing, they -- they, apparently, base that on the section of the Labor Code that gives you the duty, the continuing duty, to ascertain the wages paid to all employees in this state, to ascertain the -- no, that's the wrong one. "The Commission shall conduct a full review of the adequacy of the minimum wage at least every two years. The Commission may, upon its own motion or upon petition, amend or rescind any order or a portion of any order or adopt an order covering any occupation, trade industry not covered by an existing order pursuant to this statute."
Now, they just made a bald statement. Somehow in there, you don't have -- because it says that, you don't have the statutory authority to index. There's nothing in there that says that. It just says: You have to review it every two years. Now, I assume that what the Industrial Welfare Commission giveth, it can also take away. So if there were a sudden recession or depression, and the price of gas went down to 50 cents a gallon, maybe you can decide that the minimum wage was more than adequate to provide the necessary cost of living, and you could lower it. So it doesn't take away your authority to do -- to change it. You could -- you could decide, and I think you would have to, that indexing really doesn't -- if you raise it a dollar and index it, that doesn't provide the necessary cost of proper living in California by a long shot. If the minimum wage had been indexed since 1968, it would be nine-something an hour, and if it had been indexed to productivity, which is probably a more reasonable index -- that's what the workers produce -- it would be $25.00 an hour.

Now we all know where that productivity money went to. It went to the top. It went to those CEOs, who are making ten, twelve, fifteen million dollars a year. And that is one of the big problems in our society, this growing gap between the rich and the poor. And that's the duty of the Industrial Welfare Commission, to address that problem.
I mean, you know, folks, indexing -- the employers love it when it comes to tax brackets. They like to get their tax brackets indexed.

Another example, the price of milk in California, the price that gets paid to the producer, not the cow, but the dairy farmer is -- is actually indexed and changes either every month for some milk products or every two months for others. It goes up all the time. They love it for the farmers. Why not for the workers?

So do your duty, whatever you decide it is given the -- what I mentioned at the beginning of the presentation, but indexing definitely needs to be on the table, because without it, we're never going to keep it. You all know the history of the IWC. The review every two years is a joke. It doesn't happen. The employers resist it. They argue, so now suddenly the two-year review, which they don't like in the first place, becomes the reason not to index. It's ridiculous.

Thank you.

CHAIRPERSON CURTIN: Thank you very much, Tom. And I might add, thank you very much for wrapping up the debate with putting a little historical context. You do put us in a bit of a conundrum by starting -- saying that we start with no authority, but just in case we have some, keep it open. But that's a good question mark for all of us.
I want to ask the members of the Commission if they'd like to make some comments. And when we're completed with that, we'll move to the motion that you made earlier, Tim. Be more appropriate now if anybody wants to say anything. Otherwise, we'll just move straight to the motion.

COMMISSIONER CREMINS: I would make a motion to set this for public hearing and accept nominations for a wage board.

COMMISSIONER ROSE: Second.

CHAIRPERSON CURTIN: Okay. Motion made and seconded. All in favor?

(A unanimous vote was cast).

CHAIRPERSON CURTIN: Any opposed? Okay. Then I think we have it. All in favor. I'm in favor.

Now that we've accepted this petition to review the minimum wage, we're going to -- I have some instructions here, so again, you'll have to bear with me. I don't even know what they mean. No, that's not quite true.

We will be setting a hearing, a public hearing for a -- a more extensive discussion of the merits, I believe. We are setting it for July 5th, 2006, and on my little note here, I'm wondering where.

MS. FONG: (Unintelligible.)

CHAIRPERSON CURTIN: Possibly right here.

But when we put out the notice, you will know exactly
MS. FONG: It's going to be here.

CHAIRPERSON CURTIN: It's going to be here. Okay.

So July 5th, right. Right. And I think at that meeting, do we then -- is that where we enable the wage boards, rather than through the motion that Tim made?

MS. FONG: Yes.

CHAIRPERSON CURTIN: Today's just to accept the petition, and we will -- we'll separate your motion and put the wage boards together.

But we do want to tell you that applications to sit on those wage boards are available in the back of the room. There's a deadline for applications on the basis of the July 5th meeting for Friday, June 23rd, 2006. Your application has to be in by then.

I assume there are other ways to get these applications. Is it online? On the IWC Website. And at that point, on July 5th, we'll have further discussion and set that wage board up. And I believe this will be the beginning of a very long -- or not very long, hopefully not too long, but a very lively conversation about all of the issues that you raised here today.

And I think they were all very, very well stated, I might add, at every level of the conversation.

Now, I have to now go into closed session to review
some pending litigation according to Government Code
Section -- hmmm -- that's what's bad about giving me papers.

MS. FONG: Government Code Section 11126.3.
CHAIRPERSON CURTIN: Okay. 11126.3, paragraph D, for those of you who have --

COMMISSIONER ROSE: Mr. Chair?
CHAIRPERSON CURTIN: -- your government codes. Yes.
COMMISSIONER ROSE: Over here.
CHAIRPERSON CURTIN: Over where?
COMMISSIONER ROSE: To your left.
CHAIRPERSON CURTIN: Hi, Harold. Yeah.
COMMISSIONER ROSE: Before you get into that, a point of clarification.
CHAIRPERSON CURTIN: Yes.
COMMISSIONER ROSE: On the July 5th meeting, you were going to add the other proposals --
CHAIRPERSON CURTIN: Absolutely.
COMMISSIONER ROSE: -- for indexing and whatever else is before us.
CHAIRPERSON CURTIN: We are going to entertain all of the proposals, yes, but I -- anyway, we'll discuss it then, yeah.
Angie, did you want to say something, or do you have a question or --
MS. WEI: Mr. Chair, just a clarification.
Angie Wei on behalf of the California Labor Federation.

There will be no subsequent meeting or hearing of the IWC prior to the July 5th meeting. And at the July 5th meeting, the California Labor Federation's petition for indexing will be considered and dealt with?

CHAIRPERSON CURTIN: Absolutely.

MS. WEI: And do we -- if I may, the --

CHAIRPERSON CURTIN: Hold on a second. I'm getting --

I'm getting some (sotto voce conversation among some panel members)--

Okay.

All right. So just for clarification, we have the authority to call another meeting as long as we give ten-day notice. I'm giving more than ten days for the July 5th meeting. Yes, that petition will be on the agenda at that meeting.

If there is an earlier meeting, it will be on -- if it's within ten days from here, it will be on that agenda. Right now we don't have plans for an earlier meeting, but we do have the authority to call a meeting with ten days' notice.


If you're meeting on the 5th of July, I am assuming,
but I want to confirm, that you will be expecting people who
have views and information and statistics that they wish to
present so that you can have a complete record to send to
the wage board, that that would be the opportunity to do so?

CHAIRPERSON CURTIN: I'm not positive about that.
I'm going to look around. I think that is a -- one of the
major opportunities, and if they're not presented there,
they can certainly -- I believe they can be presented at the
wage boards or no?

MS. FONG: Well, when the wage board is convened,
only written comments are accepted, but for the hearing on
July 5th, you can go ahead and submit written comments.

CHAIRPERSON CURTIN: The answer is yes.

MR. ABRAMS: I -- yeah, I think the -- just -- just
to clarify. I think that you will -- if the Commission
decides to go forward and say we are going to call a wage
board, you're going to give them a charge. And typically,
not that you are bound by historical process, the Commission
has said to the wage board, we are asking you to look at
these issues. Here is information we think you ought to
have. And I know you will, to the extent you can, do your
own research, get your own statistics, but this would be the
opportunity for a group such as mine, if we wanted to
provide information to --
CHAIRPERSON CURTIN: The answer is yes.

MR. ABRAMS: Okay. Thank you.

CHAIRPERSON CURTIN: Mr. Broad, you wanted clarification.

MR. BROAD: Mr. Chairman --

CHAIRPERSON CURTIN: Yes.

MR. BROAD: Acting Chairman.

CHAIRPERSON CURTIN: I don't think so.

MR. BROAD: You should have --

CHAIRPERSON CURTIN: I don't think so. You want my personal opinion, I don't think so, but that's all right.

MR. BROAD: All right.

CHAIRPERSON CURTIN: We all have opinions; you know what that means.

MR. BROAD: All right. Ask and you will find out.

CHAIRPERSON CURTIN: Okay.

MR. BROAD: Anyway, is our -- our wonderful little petition also on the agenda for --

CHAIRPERSON CURTIN: Yes.

MR. BROAD: Okay.

CHAIRPERSON CURTIN: Whatever petition has -- comes in before we notice the meeting.

MR. BROAD: Okay.

CHAIRPERSON CURTIN: That meeting has not been noticed officially. Any petition that comes in before that
notice. That's the only problem with the other petition.

MR. BROAD: Okay.

CHAIRPERSON CURTIN: You can't put something on the agenda that hasn't been in the meeting notice.

MR. BROAD: Thank you.

CHAIRPERSON CURTIN: Okay. No problem.

Okay. We have a motion and we've done that. Now we're going to adjourn to a private session to -- do I have to say anything else about that? Yeah, one more thing.

(Sotto voce conversation among panel members.)

CHAIRPERSON CURTIN: Okay. A notice has gone out. But for those who are concerned about their petitions, there will be a revised notice. Feel -- trust me on this one, we will have a revised notice. Any petition that is in our hands will be reviewed at that meeting.

So we go to private session to discuss this, and then we come back for purposes of adjournment only.

Thank you very much. I enjoyed it.

(Recess taken.)

CHAIRPERSON CURTIN: Okay. We're going to declare ourselves back in session for the purposes of a motion to adjourn. Do I hear one?

COMMISSIONER GUARDINO: I so move.

COMMISSIONER CREMINS: I move motion for adjournment,
CHAIRPERSON CURTIN: It's already been moved. Do you want to second it?

COMMISSIONER CREMINS: Second it.

CHAIRPERSON CURTIN: Okay good. All in favor?

(A unanimous vote was cast.)

CHAIRPERSON CURTIN: Okay. All opposed?

(No response.)

CHAIRPERSON CURTIN: Good. We're adjourned.

Thank you very much. I enjoyed it.

(The meeting adjourned at 11:47 a.m.)

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