

Interagency Task Force on Employee Misclassification

Tuesday, November 18, 2008
Problem Resolution Office
Lake Superior Room
5015 S. Cedar St.
Lansing, MI 48910

MINUTES:

Task Force Attendees: Jack Nolish, Jack Finn, Cheryl Cornellier, Chris Mitchell, Susan Agee

The meeting was called to order at 2:15 p.m. by Jack Nolish.
Department of Civil Rights will not be appearing.

Report out from Sub Committees

- **Research** - Cheryl Cornellier reported researching with 12 states to see what their laws are and how they are dealing with contractor versus employee. Will compile information and turn it over to the other committees.
- **Education** – Jack Finn reported sub committee next meeting on 12-6-08. Working on a power point on the task force with a fact sheet on misclassification of wages, eventually make a brochure and looking at PSA's. Anyone wanting to participate contact Jack Finn.
- **Legal** – Jack Nolish reported they have compiled various definitions of employee that are in use presently. All definitions vary with each agency. Can we come up with a workable definition of employee is the next step.

Public Comments

- **Peter Accica, BAC Local 1**
Q – Can an IC be used when prevailing wage on certified payrolls?
A – Jack Finn – W&H uses the economic reality test, determine what is done on the job. Can not look at unless a claim is filed by the worker or 3rd party.
A– Cheryl Cornellier – WC would also check to see if there is a policy
- **Sam Bono - MSU**
Make sure they pay prevailing wage. If MSU has suspicion they are not classified correctly, a contracting agent can file complaint. Prevailing wage has no sanctions, would be helpful if it had.
- **Dave Robertson** – reader driver as an IC. Provides a service for the sight impaired. St of Mi pays the check. Works through the Commission for the Blind. The state provides the tools, no taxes taken out, paid by the hour. Has anyone filed a claim? Paid only for time worked, no holidays.
- **Shorty Gleason** – Building Trades – inaudible
- **Tyler McCastle, Michigan Regional Council of Carpenters** –inaudible

Dr. Dale Belman - presented a review of his and Richard Block's research paper on The Social and Economic Costs of Employee Misclassification in the Michigan Construction Industry. The paper to be released on the MSU website School of Labor and Industrial Relations by the end of the year.

The meeting was adjourned.