

# Boston Employment Commission Hearing Minutes

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A monthly hearing of the Boston Employment Commission (**BEC**) was held virtually on Zoom, January 27, 2021.

**Commissioners Present: Commissioner Travis Watson, Commissioner Kenell Broomstein, Commissioner Carlos Espinoza-Toro, Commissioner Aisha Francis and Commissioner JocCole “JC” Burton**

**Hearing Begins: 1:03 PM**

**Commissioner Watson began with sad and tragic news of a young man, Henry Tapia who worked for David A. Bosworth (Article is in the Globe). Asked prayers for his family and mentioned Go Fund Me for those who would like to help the family.**

## **I. MINUTES**

Held off until we meet quorum (See Page 6)

## **II. SPECIAL PRESENTATION**

### **A. 70 Leo M. Birmingham Parkway**

**Duration 24 mins.**

**Present: Stephen Laverty (Jumbo Capital), Julie Meier (Surus DC), Nicole Richer (TCMentor), and Takara Hamilton (BPDA Monitor)**

**Note: BR = Boston Resident, POC = People of Color, F = Female**

### **Project Overview:**

**Commissioner Watson:** Focus on your understanding of BRJP requirements and any opportunities where BRJP office can assist to help you meet the goals. **Stephen Laverty (Jumbo Capital):** The Make-up of Jumbo Capital is 39%F, 19%POC, 19%BR and **Surus** is 38%F, 13%POC, 25%BR. The project is creating a guesstimate of 300 jobs based on the number of trades, average crew size and vendors. **Julie Meier (Surus DC):** The list of contractors signed on are from a wide net (340) of contractor companies we've worked with in the past and some new in and around Boston area who are familiar with BRJP and the compliance requirements. **Nicole Richer (TCMentor):** We have a Workforce Diversity Tracking Sheet – contractors 33%BR, 12%POC, 0%F. We will have 4<sup>th</sup> pre-con meeting in next 2 weeks. There are of 17% apprentices on project site of which, 61%BR - Laborers, Operators and Piledrivers. Meetings consist of Project Manager, Site team and Compliance Monitor, Takara Hamilton (BPDA). Job Application process - mobile app and hard copies in field offices. Our Summer Youth Program had 90 students from Boston Area - Ages 14 – 18. They were introduced to AEC = Architecture, Engineering, Construction. 77% POC 21% Engineering, 17% Architecture, 16% Project Managers, 12% Construction and 10% Building Trades. Demographics = 61% Male, 32% Female 2% Transgender. This was a successful outreach. The Cumulative goal is to have Job fairs on project site as well. **Commissioner Watson:** There hasn't been the sense of urgency for the construction pipeline in Boston. I appreciate your approach to provide the data. You are one of a few meeting the pipeline. This model should be what comes before the BEC. Any early concerns? How do you address subcontractors new to BRJP? **Takara (BPDA Monitor):** New subs receive a more in-depth explanation of BRJP/BEC/Diversity Compliance. **Commissioner Watson:** Is there a breakdown of Union/Non-union. **Stephen Laverty:** Not as a percentage – We have Union mixed metal, Union steel erectors, Union pile drivers. **Commissioner Watson:** Please circle back and provide BRJP office with that re: Jobs Bank (Open Shop). This helps strategic deficiencies in any of the trade categories.

## Public:

**Mukiya Baker-Gomez and Priscilla Flint-Banks:** How is this employer providing young people opportunities to be a part of their core crew/mgt. training and what area of the city do these potential workers come from? **Nicole:** We are working in collaboration with the city of Boston. All participants are city residents - 2% Brighton, 30% Dorchester, 12% East Boston, 7% Hyde Park, 12% Jamaica Plain, 10% Mattapan, 1% Downtown Boston, 7% Roxbury, 1% South Boston, 15% West Roxbury, 9% other and 2% South End. **Priscilla:** What % of subs? **Nicole:** There are 4 contractors on site, we are early on and realize there is more work to do. We partner with local schools – Madison Park High, Benjamin Franklin Institute of Technology (BFIT) to build the workforce and prepare students with readiness skills for a competitive career in Construction. Jumbo Capital and Surus reached out to me to help contractors/subcontractors create more opportunities to build their core crew. **Commissioner Burton:** Based on schedule, I know you've been in the ground for a while, I noticed Wood Framing is around August. Will that time-frame bring best opportunity to increase % for Boston residents and women? **Nicole:** Electricians (18) all Boston residents are being brought on as the transition out of ground to Foundation happens. **Julie:** Structures Derek is the steel erector. When we erect steel #'s will come up. **Commissioner Watson:** BEI requested the slides for this presentation.

### **B. 5 Washington Street**

**Duration: 20 mins**

**Present: Justin Krebs (5 Washington Street Owner LLC), Michael Sambuceti (Callahan Inc.), Matt Faris (Owner/Developer), Brian Parmenter (Callahan Inc.), Shelley Webster (In Order Business) and Takara Hamilton (BPDA Monitor)**

#### **Project Overview:**

**Commissioner Watson:** Focus on BRJP/Expected challenges or highlight of your own.

**Michael Sambuceti (Owner/Developer):** Presents PowerPoint, description of project and introduces project team. **Matt Faris (Owner/Developer)** Committed to meeting BRJP goals. **Commissioner Watson:** It's impactful when ownership and leadership join the meeting. Thank you for being here. **Mike:** Project Schedule - 2 contractors mobilized at this time. In our infancy as far as getting people onboard and reporting. Engage w/those who aren't meeting requirements. Buy out progress – identified ½ dozen M/WBEs. Not where we want to be. Union affiliated subcontractors were invited to bid on 23 of 39 of our different division and we invited 124 Unions to bid across all trades. 23 responded in affirmative and 10 sent back bids. received no bids from MEPs. **Commissioner Francis:** What is the area of No Bids? **Michael:** Plumbing, Electrical/Mechanical trades, Fire Alarm/Fire Prevention. That wraps up schedule and buyout. **Shelley Webster (In Order Business):** This is under the new ordinance 51%BR, 40%POC, 12%F (BPDA), Construction monitoring administered by Takara Hamilton, BPDA. Reporting is done via salesforce. Of the 7 compliance items, most important is pre-con meetings and strategic planning with subcontractors 3 weeks before onsite mobilization to understand their workforce composition. As needed, identify finding Boston residents coordinating with Boston Jobs Bank (BRJP, Janine McLaren). We have received a couple request from Boston Jobs Bank. We collaborate with Katrina Conrad who has an extensive database of Boston applicants. We circulate those to subcontractors on site. There are only 2 subcontractors onsite at this time. One subcontractor is almost near female goal. Boston Resident participation does seem to be a challenge and we have a Corrective Action Meeting (**CAM**) coming up next week. Walk-on application process – acknowledge applicant by sending notification of their application receipt and process to Jobs Bank – a very professional letter goes out from the Boston Jobs Bank. We ask the GC to interview folks on application log, especially those not meeting goals. **Commissioner Watson:** How has the salesforce platform been working for you? **Shelley:** There are some issues with reporting being worked out, but Takara has been helpful and can speak more to that. **Takara:** Those reporting issues concerning stats that we had at last month's BEC has been resolved. Salesforce is now able to give stat reports by trade, subcontractor and both combined. There is growing pains but not for lack of training rather because it's something new. I send training video and user guide to subcontractors and I provide support if needed. For the most part the subcontractors do the most, so we are trying to make it friendly for them. **Commissioner Watson:** Thank you for drilling down and making it a workable process. It was frustrating last month. **Commissioner Burton:** Of the 4 trades on site, what are the percentage numbers? **Shelley:** Site Contractors - 32%POC, 50%POC, 9%F and 14%BR. Regarding Non-union, even if they are performing strong, we call a CAM which is really treated as collaboration to identify folks available for work and getting the

subcontractors to interview those people. I get calls frequently from people looking for work and connect them to deficient subcontractors. We can get close to the 40%, if not over and 6-7% of 12% female goal. We are finding it incredibly challenging with Boston Resident participation. **Commissioner Burton:** This project is not a union project. This is a chance to invigorate and demonstrate that it can be done either way (Union/Non-union). We are working with BRJP Jobs Bank, Janine McLaren, a great resource for a project like this. In addition, I've never had a contractor contact me to ask for PGTI's best practice list. Mike reached out to me to ask for that. **Mike:** It is in our contractual language that BRJP is required and gives us the tools to withhold payment, if necessary. Shelley mentioned earlier, but I want to reemphasize, we have a pre-mobilization meeting so subcontractors can address any deficiency in their workforce according to the BRJP requirements.

**Public:**

**Marcel Henderson:** If contractors are non-compliant what is the punishment – **Mike:** CAM, sanctions from BEC, tools to delay disbursement of payment (Money Talks). **Priscilla Flint-Banks** – What is ratio of subs that performed before. **Shelley:** We didn't come with the ratios and will get that to you. **Commissioner Watson:** For sake of time, if you can submit questions in advance of the BEC meeting, we can facilitate more easily. Priscilla Flint-Banks (BEJ): What percentage of City's workforce comes from Salesforce? **Takara:** Salesforce is a reporting system and not used for workforce. **Commissioner Watson:** Salesforce runs compliance metrics on individual projects. **Priscilla:** I don't understand why it's so hard to get Boston Residents. **Commissioner Watson:** Pricing people out of Boston is one reason. **Mary Malaszek:** If you sent out "100s" of RFPs to WMBE's and they were not responded to, has your Diversity Officer looked at that process to determine why they are not responded to by WMBEs? Is there any follow-up? **Commissioner Watson:** For the sake of time and as this is not in the direct purview of the BRJP, I'm going to ask if this question can be addressed off-line. **Priscilla:** How do you oversee reporting mandatory paid hourly rates? **Matt:** I'm not aware of any mandatory reporting for wages. **Takara:** This project doesn't fall under prevailing wage (Davis Bacon/Section3). It's workforce hours and diversity. **Commissioner Burton:** I believe what is being asked is how are we to know that this project is the competitive wage? **Matt:** I can request from payroll the verification of what a person is being paid. **Commissioner Watson:** If necessary, we can revisit this at the 1<sup>st</sup> quarterly meeting. **Mary Malaszek:** How often have you withheld payment? **Callahan Rep:** We just got started on this project, but historically, we have not, but it's there if we need it. **Vikiana Petit-Homme:** How is Commission enforcing sanctions, if goals are never met? **Commissioner Watson:** Vikiana, if you reach out to the BRJP office, they will be happy to send you the Compliance Rubric information. **Mary Malaszek:** Has BEC has never enforced sanctions? **Commissioner Watson:** No. Not under the Ordinance and last compliance hearing I believe was under the Menino Administration.

### III. PROJECT REVIEWS

#### A. Winthrop Center

**Duration: 27 mins.**

**Present:** Kathy MacNeil (Millennium Partners), Sean Fontes (Bill Moran & Associates), Corey Allen (Suffolk), Brooke Woodson (Suffolk), John Newhall (Suffolk) and Pamela Ruffo (BRJP Monitor)

**Project Overview:**

Workhours 184,520, 730 workers, 19 contractors, 35%BR, 28%POC, 11%F

**Pamela Ruffo (BRJP Monitor):** We have subcontractors struggling with Boston residents. We are asking them to think outside the box to get Boston residents and Females. I also want to highlight the letter received from EM Duggan who has gone above and beyond in their partnership with Madison Park High. I use them as an example to promote to other subcontractors how they too can create a connection with Madison Park whether providing a jobfair for opportunities or donating materials to enhance training at the school.

**Katherine McNeil (Millennium Partners):** There's been a lot of questions in the chat about what we can do to promote more city of Boston residents. Members of our team, Sean Fonte and Bill Moran have a mentorship program that's a connection to the City of Boston neighborhoods and we started it at end of 2018 and have placed 27 young men and women into the union, this is a union job – They are in their 3<sup>rd</sup> year apprenticeship. None of them are at the job site yet, because we are still in concrete/rebar/MEPs. There is a shift in the workforce. In the

union you're out at ages 50 – 54. If we can get those young people still living with their parents and continue to build more affordable housing in the City of Boston, maybe we can help stop this bleed of not giving work to members of our own community and help build the pipeline. **Commissioner Watson:** It's rear that we have the owner/developer leadership take such a role in the work. There's a lot to learn from this project and I appreciate developer's presence here. This is a huge development (\$800 Million+) and with that comes resources to achieve some of these benchmarks. Diversity and Inclusion successes and strategies come from efforts rather than access to capital and not throwing money at the problem, team put together concrete steps that can be replicated on a smaller scale and think about using this model on other projects. Liberty Construction, pleased with the consistent improvement over past year or so. EM Duggan's letter was meaningful and should serve as a framework and example for others. I'm exhausted reading letters that are nonsense. **Corey Allen (Suffolk):** Starts at the top. Brad Mahoney who I met at the Franklin Park Coalition lives in the City and we talked about the pipeline and improving the future. Not the hard construction trades but, Architecture, Engineering and Drafting. **Commissioner Watson:** Thank you for highlighting the Soft cost side. **Corey:** Before COVID our Engineer of record, Haley and Aldridge offered to do a program at the Dearborn STEM Academy to help develop the engineering pipeline. It would be a 4-part series of career paths in engineering while students are in school. Individuals would come and speak about what they did in High school and college and could lead to internships at Haley and Aldridge that can lead to a job after college. Haley and Aldridge realize they are not as diverse as they would like to be. However, we are making sure students in Boston have access to gaining good careers that produces a job to take care of their families. Your team has created a comprehensive document that addresses 75% of questions that have come up during this meeting. If you have or can make a public version, please send to both Kim and Pam. **Corey:** We can make a public version.

#### **Public:**

**Vikiana Petit-Homme:** Can you provide a timeline of expectation to meet requirements for residents and people of color to have access to these jobs? **Kathy:** In all honesty, I don't know if we can ever make everyone of these goals. We are working hard and we've been working very closely with the unions and the unions admit they have to be more diverse. There is a process with the unions and people have to wait on the list. This is another challenge we have to live with. Part of the pipeline problem is that people in the City of Boston aren't exposed to these careers and we have to get people into the career first and then we can meet the goals. I've been in this business for a while and this is the first time there's been a comprehensive effort by all of us. Sean is on the frontlines and he can speak to that. **Sean Fontes (Bill Moran and Associates):** Efforts, models, systems of diversity and inclusion in the workforce – to ensure that people of color particularly in Boston in ways that have never been done before. Owned operated and managed by African Americans (15 African-American men from diverse backgrounds mentoring young men and women from the city in the trades). We have 29 young men and women in IBEW 103 because of who we are in our community we have deep and vast connections we grew up here they trust us - those type of dynamics are helpful to an effective and meaningful system and model in getting young black men and women into meaningful careers and beyond. **Commissioner Watson:** You hit the nail on the head. There's been a disconnect of older black male mentors that look like and grew up in neighborhood and could make that connection to a largely white male dominated system. You're helping to bridge the gap and these are the system changes that will get us to where we need to be. **Corey:** Thankyou to Pam. Kudos to IBEW 103 (Kenell Broomstein) young man placed with Local 103 from Building Pathways - thanking our partners. **Mary Vogel (Building Pathways):** Again, the Best Practice is to have a diverse crew at the start. **Mary Malazek:** BEJI applauds you Sean. Can we discuss further offline? Corey provided his email in the chat and will assist with connecting to Sean. **Mary Vogel:** Building Pathway is recruiting June 1, 2021 (provided link in chat). **Brooke Woodson (Suffolk):** Shout out to Paula and Liberty!

#### **B. 125 – 133 Sumner Street/Clippership Village**

**Duration: 30 mins.**

**Commissioner Watson recused – due to conflict of interest with his employer (MHIC) and their connection with National Development and Cranshaw. Commissioner Burton will chair.**

**Present: Travis Smith (Cranshaw), Drew Colbert (Winn Development), Sandy Paben (Renaissance Group) and Takara Hamilton (BPDA Monitor)**

#### **Project Overview:**

**63,787 wkhrs, 501 wkrs, 22 Contractors, 32% BR, 40% POC and 5% F**

**Takara Hamilton (BPDA Monitor):** Estimated Completion April 2021 - 67% Complete - 3 shutdowns on this project not all having to do with COVID. Katrina Conrad and BRJPs Jobs Bank, Janine McLaren have been helpful resources. **Commissioner Burton:** There's nothing more challenging than interruption in construction flow. The numbers are relatively low, are there forecast in where they will land? **Takara:** We provided Best Faith Efforts and the Stats to the Commission. By the end of the project these trades' numbers will come up. As it stands, while the following are not in the top trades status because they don't have as many hours, however they are going in the right direction: East Coast 30% POC, 6%F and 29% BR. Helo Cut Drilling – 34%POC, 23%F, 9%BR, Outkast Electrical (100 hours shy of Marguerite) 100%POC, 10%F, 66%BR. They will come up by the end of the project. Superior Plumbing which is top contributor – 37%POC, 7%F, 31%BR. **Commissioner Burton:** Any additions? **Drew Colbert (Winn Development):** This is a former housing authority site. We did outreach in the community and hosted a Jobs Fair. Section 3 hires. Specialty trades will increase M/WBEs resident hours. We are committed to diversity and inclusion – Tara Construction and Outkast Electrical – M/WBEs is more than hours, it's also contract value. **Sandy Paben (Renaissance Groups):** BHA has FSS (Family Self Sufficiency and Ross). We held Job Fairs and out of new hires, 22%BR, 47%POC, 40 - Section 3 hires were Boston residents. The collaborative with BHA has worked. Outkast was instrumental in 9.6% Female Electricians. In addition, Superior Plumbing, the database we use and BRJP Jobs Bank have all made great effort during a difficult time. In 20 years of my doing this, it's been the most complicated with COVID. People are not working because they either have COVID or don't want to bring it home to their families. **Takara:** Thanks team. North South Construction submitted extensive BFE documentation. WL French – shares their steps in outreach in the same manner Commissioner Watson referenced with EM Duggan earlier. **Commissioner Burton:** Transient oriented developments are special and only a certain number around the city. Attention will be on them. Appreciate the Section 3 engagement.

**Public:**

**Chat:** Union Job – Utilizing Building Pathways? **Takara –** It's Open Shop. Mary we can set up a video conference. I'd like to further understand Building Pathways and will reach out to you. **Paul Goodrich:** If Cranshaw was union they could pull from laborers union hall. We have a minority female Boston Resident, but Cranshaw doesn't try and they are non-union. **Travis Smith (Cranshaw):** In regard to Union, we are signatory with Carpenters union and not signatory with laborers. We hired mixed – nonunion/union. Unfortunately, unions aren't supplying the pipeline we're requesting. Phoenix Construction Resources is non-union – performed well with goals. **Mary Malaszek:** People of color do not only live in the housing projects (reference something Sandy Paben said). **Sandy Paben:** My apologize for the misunderstanding. I was referring to the FSS and Ross. **Paul Goodrich:** I can send a City of Boston residents tomorrow. Cranshaw should consider the people not the profits. **Travis:** We don't hire trades people. We are construction managers. The applicants are sent to Sandy and non-union to the Jobs Bank. **Commissioner Burton:** Cranshaw doesn't self-perform. **Takara:** Cranshaw doesn't serve as GC, they serve as construction managers. **Commissioner Burton:** further pushback from Paul is that Cranshaw uses a labor broker out of Winchester, MA. Phoenix Construction Resources pays \$16 (sweatshop). Concerned about your business practices. **Takara:** Phoenix has 52.3%POC, 29.8%BR. I hear your concerns, and complaints. They are not the worst performing, as others. **Drew:** Mixed project (Laborer) all contractors/subcontractors are subject to Bacon Prevailing wages. Everyone required to comply with that. **Sandy:** We check payroll on this project. **Commissioner Burton:** checking to make sure rate matches up? **Sandy:** Yes, If any questions I address. **Commissioner Burton:** As a builder, I know certified payroll. Have any drawers been held? **Drew:** Any irregularities are addressed immediately. **Takara:** Thank you Team.

**Commissioner Watson:** We have quorum and can proceed to approve December 16, 2020 minutes. Commissioner Francis made motion to move, 2<sup>nd</sup> by Commissioner Espinoza-Toro and approved by all (Commissioners Francis, Espinoza-Toro, Broomstein and Watson).

**IV. DIRECTOR'S REPORT:**

**Duration: 10 mins.**

**Celina Barrios-Millner (Equity and Inclusion Director):** I want to urge everyone to continue to be vigilant on COVID safety. With the vaccine rollout providing light at the end of the tunnel! Mayor Walsh announced new

reopening phase guideline. We are in the process of selecting new Salesforce contractor. We have made some gains with BPDA and there's now a better sense of reports. That completes my Director's Report.

**Commissioner Watson:** To the best of my knowledge, Commissioner Burton is the first woman to chair the BEC. I strongly recommend that going forward, as I don't plan to be in this position always, I recommend a woman should be placed in this role. It would bring a fresh perspective. **Commissioner Broomstein:** Correction to spelling of her name on the Zoom screen, should be Kenell. **Kim Odom (BEC Coordinator):** We need to approve November 2020 Director's report as well as today's. Commissioner Burton motioned, Commissioner Francis 2<sup>nd</sup> and all accepted and approved (Commissioners Espinoza-Toro, Broomstein, Burton, Francis and Watson) as with January 27, 2021 Directors Report – Commissioner Burton motioned, Commissioner Francis 2<sup>nd</sup> and all accepted and approved (Commissioners Espinoza -Toro, Broomstein, Burton, Francis and Watson).

**Commissioner Burton:** I'd like to follow-up on the Economic Impact email I sent. The past 3 months there have been some great projects that present opportunity to amplify best practices. I want to propose connecting with Educational Partners to study economic impact (Suffolk project engagement) It would be on Scales: Large (\$500M+), Medium (\$200M+), Smaller (\$20M) and Community-based. The Study would be with institutions of higher learning like Bfit (Commissioner Francis) and other business schools and universities. Not just to make sure Boston resident have the best and first opportunities or women have diversity in this space, but to help close the wealth gap. I'm open to Commission to look into that. **Commissioner Francis:** It's a terrific idea and I would love to partner on impact from training provider point of view and look at Trotter Institute's expertise in doing these kinds of analysis through an equity lens. I'm sure the city has resources. I can make academic referrals as well. **Commissioner Burton:** Goal is case study of social/economical impact which is so critical. **Commissioner Watson:** This would be cool too look at over time. **Commissioner Burton:** I was reading in the WSJ about women being displaced as a result of COVID – more than 7 million women out of work due to COVID. I'm super passionate about that and what it looks like in the Construction Industry. **Commissioner Watson:** Ask for motion to adjourn. Commissioner Burton motion – all was in favor.

**Meeting adjourned: 3:09**