

# Boston Employment Commission Hearing Minutes

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A monthly hearing of the Boston Employment Commission (**BEC**) was held virtually on Zoom, January 19, 2022.

**Commissioners Present: Commissioner JocCole “JC” Burton, Commissioner Charles Cofield, Commissioner Aisha Francis and Commissioner Espinoza-Toro.**

**Hearing Begins: 1:07 PM**

## I. MINUTES

December 15, 2021, minutes accepted and approved (motioned by Commissioner Cofield, second by Commissioner Francis and approved by all).

## II. SPECIAL PRESENTATIONS

### A. 140 Clarendon Street

**Duration: 19 mins.**

**Present: Andre Barbour (NEI Contracting), Darcy Jameson (Beacon Communities), Langston Stokes (Beacon Communities), Rhianna Bernal (DND), John Feuerbach (DND) and Celso Ribeiro (BRJP Monitor)**

**Overview: Darcy Jameson (Beacon Communities) and Andre Barbour (NEI Contracting)** - 211 Affordable housing. 111 units are purposed for a housing first/homelessness wrap around case management services focus (City, State and Pine Street Inn Collaboration). **Construction Schedule:** Approximately 18 Months, Mobilization date 12/13/2021. **Construction Value:** \$25,315,636. January, Estimated Completion 6/30/2023. **MBE: 23%/WBE: 15% - MBE/WBE Contractors:** EFR Mechanical (Plumbing), Atlantic Bay Contracting, Banner Environmental, Folan Waterproofing, Associated Elevator. Banner Environmental (Selective Demo) – Residents and People of Color on site, Peak Mechanical (HVAC) – Onsite, Atlantic Bay Contracting (Abatement) Resident, People of Color, Women periodically on site, Cruz Electric – January - Resident Foreman assigned to project, periodically onsite currently. Prior to Mobilization - Internal Pre-construction kick-off meetings, Attendance to subcontractor weekly coordination meeting, building relationships with individuals responsible for hiring workforce, Internal Prevailing Wage/Compliance Reporting workshop, Quarterly Workforce Projections. Community Outreach and BHA Resident Engagement, Collaborate with Boston Housing Authority on Resident outreach efforts, Flyers, Engagement Letters. Community Engagement - Madison Park High School, YouthBuild Boston, WORC2 (Katrina Conrad), Other Community-based organizations & partners. **Commissioner Cofield:** It doesn't appear all the contractors are included? **Andre:** We haven't bought out everything yet. Most of the construction cost is mechanical. **Commissioner Cofield:** No carpentry yet? **Andre:** Not yet. This is a very large mechanical job. **Commissioner Burton:** This is an existing building? **Andre:** Yes, an existing building conversion. **Commissioner Cofield:** Location triggers prevailing wage, as well as renovation and size of the building? **Darcy:** Financing triggers it. **Commissioner Burton:** Is this financed with HUD dollars? **Darcy:** It's 100% project-based vouchers committed through the Boston Housing Authority. **Commissioner Cofield:** My concern is about the subcontractor base meeting Boston hiring goals. The Boston resident numbers are failing. People of color numbers are being met because they bring minorities from outside of the city. How do you propose meeting the Boston resident numbers? **Andre:** We are working with Cruz, Peak, EFR Mechanical and the respective Business Agents and making sure they are reaching out in advance. **Commissioner Cofield:** What's the projection of workforce participation from the program? **Darcy:** We are mindful and can put projections together for a follow-up meeting. It's challenging and if anyone has helpful suggestions or can share the contractors and developers that have good success, we're open to them. **Commissioner Cofield:** We hear how challenging this is. People can't meet the challenge if they aren't given the opportunity. That's the purpose of training programs. Too many jobs around the city and the Boston resident goals aren't being met. Boston residents are sitting on the bench. We must change the jobsite culture. It's concerning. **Commissioner Burton:** Darcy there are best practices presented at the monthly BEC Hearings that you could benefit from watching. For example, a leveraging tool in the contract to monetarily address non-compliance.

The BRJP has had a decades long program that consistently has not availed its intent. The community is asking for the Boston Employment Commission to leverage sanctions. We are getting close to ways we will sanction non-compliance.

**Public:**

**Barry Keady (Local 12 Plumbers):** This project is one of our contractors (Riccardo). NEI has always been proactive to get the right people in place. Local 12 Plumbers has a Black Boston resident, a female Boston resident ready to work. We're confident we will meet the numbers on this project. NEI is one of the better contractors in the city.

**John Feuerbach (Mayor's Office of Housing):** We are the Mayor's Office of Housing formerly known as DND. Rhianna Bernal is on the call, and I would like her to add to some specifics on this project. **Commissioner Burton:** John thank you for that rebranding note. **Rhianna Bernal (Mayor's Office of Housing):** The Mayor's Office of Housing is supporting this project with significant funding and monitoring construction in collaboration with DHCD (MA State, Department of Housing and Community Development). We check with Robert Woodson (BRJP Monitor) on a regular basis. We are excited about the building as Darcy alluded. **Commissioner Burton:** Super exciting. Historic building. I hope some of the tips provided were helpful. We look forward to your review.

**A. 2 Harbor Street**

**Duration: 12 mins.**

**Present: Matthew Stegall (Beacon Capital), Brooke Woodson (Suffolk), Michael Umberger (Suffolk) Anastasie Duffaut (Suffolk) and Nelson Cunha (BRJP Monitor)**

**Matthew Stegall (Beacon Capital):** Lab/Office Building, Amenity, Fitness, and extensive landscape and hardscape 10 Stories, 1 Level Below Grade Parking, 381,000 SF, \$220,992,150. **Michael Umberger (Suffolk): Construction Start:** February 2022 - **Construction Duration:** 24 Months - **Foundations & SOE:** February 2022 – October 2022 - **Façade:** April 2023 – September 2023 - **Interiors:** February 2023 – December 2023 - **TCO:** February 14<sup>th</sup>, 2024. **Awarded Subcontractors and Approximate Start Time:** Site Utilities & Site Work (J. Derenzo) – February 2022; Concrete (S&F Concrete) – September 2022; Elevators (Otis Elevators) – May 2023; Curtainwall (JK Glass) – December 2022; Mechanical (Cannistraro) – February 2023; Electrical (EG Sawyer) – February 2023; Plumbing (Cannistraro) – February 2023; Fire Protection (Carlyle Engineering) – February 2023; Piles (Coastal Engineering) – February 2022 (**Committed to engaging with M/WBE contractors for the work ahead**). **Brooke Woodson/ Anastasie Dufaute (Suffolk): Workforce Development Efforts and Partnerships:** Suffolk is working to help build the pipeline through engagement with Building Pathways, YouthBuild Boston, New England Regional Carpenters Council, Metro Building Trade Council, Madison Park Technical Vocational High School, BRJP Jobs Bank, The Office of Workforce Development, Built it! Carpentry Pre-Apprenticeship Training, Northeast Center for Tradeswomen Equity (NCTE). To expose young people to potential interest in construction, we presented a video to 9<sup>th</sup> grade students at Madison Park Vocational High School. The GM of Suffolk, Jeff Gouveia is working with me and taking the lead to work with the evening students/graduates in carpentry apprenticeship placement. We will be tenacious in the monitoring of this project and will hold Corrective Action meetings as needed. **Commissioner Cofield:** Brooke you mentioned Coastal (WBE)? **Brooke/Michael:** Yes, Coastal is doing foundation/driving piles. **Commissioner Burton:** Thank you Suffolk and Beacon for your presentation.

**Commissioner Burton – MLK, Jr. Reflection:**

This week we acknowledged Dr. Martin Luther King's birthday and as I reflect, justice is not what you do it's who you are. As we represent in this reporting mechanism in showing how we are just to the city in bringing the voices of the citizens of Boston and making the pathway wider and more accessible for skilled development and opportunity. There's long reports on how we have not measured up (racial equity) and I hope we measure up in 2022 in working together to that end.

**III. PROJECT REVIEWS**

**A. Fenway Parcel 7A**

**Duration: 27 mins**

**Present: John Rosenthal (Meredith Management), Linda Sivieri (JF White Contracting), Paul McDonald (JF White Contracting), Tanya Valverde (JF White Contracting) and Pamela Ruffo (BRJP Monitor)**

**Project Overview:**

**72,818 wkhrs, 182 workers, 6 Contractors, 11%BR, 23%POC, 9%F.**

**Pamela Ruffo (BRJP Monitor):**

**Highlights and Concerns:** The project had a BEC Special Presentation on 09/15/21. The Project is 25% complete; under the Original BRJP Ordinance. The project is being tracked on our Salesforce system. J.F. White Contracting is the General Contractor as well as the largest subcontractor onsite. Their Boston resident verification is at 90% verified. 20 out of the 21 residents' onsite have been verified. Four out of the five top subcontractors are struggling with resident participation. A corrective action meeting was held on December 7, 2021 for J.F. White Contracting, Phoenix Foundation, & J.R. Vinagro. Corrective actions letters have been attached. 23 Work Request forms have been submitted on this project: J.F. White 11 Work Request forms, J.R. Vinagro 1 Work Request form pending response from Local 22 Laborers, Phoenix Foundation 12 Work Request forms. Accord Steel is the 4<sup>th</sup> largest subcontractor onsite with outstanding workforce participation of 72% Resident, 72% POC & 46% Female. Laborer trade is 1<sup>st</sup> largest trade onsite with low resident participation 10% and 5% female participation. POC participation is 31%. J.F. White is represented on the committee for the State & FHWA EBC-6 Strategic Workforce Development. The committee works towards innovative strategies to identify, train and place workers in highway construction jobs. Further information is attached with their Corrective Action/Best Faith Effort packet.

**Recommendations:** Follow up with the Laborers business agent with regard to current status of available resident & female laborers. As well as build a stronger communication between the business agent & the subcontractors that employ laborers on the project. To continue to reinforce to all subcontractors to remain proactive in efforts to meet the employment standards for the duration of construction. And to provide documentation that substantiates on-going effort to address deficiencies. Continue providing information about pre-apprenticeship programs, such as Building Pathways and Youth Build. As well encourage subcontractors to establish partnerships with Madison Park High School. **Commissioner Burton:** When this project came in September for a Special Presentation it was clear there was no plan for the BRJP workforce goals. 5 months later it shows there hasn't been a strategy that supports participation of Boston residents. The women numbers are a little better as well as people of color. At 25% complete, I'm interested in hearing from JF White how this will be rectified going forward and how they are taking leadership to hire within the company and demonstrate what should happen on site.

**John Rosenthal (Meredith Group):** This is Phase 1 of 312 apartments and retail. JMA is doing the vertical/foundation work. The first phase is particularly challenging, highly specialized, and incredibly complicated work. We have every intention of meeting/exceeding goals. JF White tries every day given the risk, complication of this phase of the work and the specialty training involved. **Commissioner Burton:** The project is judged based on what's in front of us today. All these site work components are needed on every construction project in the city with very few exceptions. My concern is a way not being found to bring in workforce at the cornerstone of the project. **Paul McDonald (JF White):** We acknowledge coming up short on the goals to date and going forward the two subcontractors with better reputations will have a heavier presence, Accord Steel and S&F Concrete along with their 2<sup>nd</sup> tier Lund Rebar. We believe those subcontractors will strengthen our numbers. We rely on our workforce request from the unions which have been largely unfilled. We are working with other JF White projects to bring Boston Residents, People of Color and Females from and trying to establish a database from other projects. Unfortunately, because this phase is specialty focused, training programs wouldn't be able accommodate the need. We are 8 months into 30-month schedule (22 months remaining/October 2023) There is time to do better. I don't have specific point of actions but acknowledge our shortfalls and will take any suggestions from the board on how we can improve. **Commissioner Burton:** We provided a good number of suggestions at previous hearing in September. We can provide record of that meeting at your request. **Commissioner Cofield:** JF White numbers are very disappointing. What are you doing to build up the core crew of JF White to reflect an effort to meet the numbers? There are training programs where you can expose people to this opportunity. I understand it's a rough industry and specialty trade that everyone can't do, but there are people who can and would appreciate the opportunity. We have returning citizens, Operation Exit, Workforce Squared. Perhaps you can talk to the Carpenters Union/Apprentices programs if there's a good candidate perhaps, they can be expedited before the project is done instead of checker boarding to make the numbers work.

**Public:**

**Travis Watson (Former BEC Commissioner):** “Highly specialized, highly complicated, risk, specially trained” is highly offensive language in the trades and code used by developers and GCs and in short refers to white men only. Worse, it’s comments like this and the lack of guts/desire to engage with and create the measurable change.

**Commissioner Cofield:** The comment that the numbers will change when other trades get there. These numbers are trade by trade. Let’s not forget that. **Commissioner Burton:** I’d like to reiterate the point made earlier by Commissioner Cofield and Travis that reference trades that expect people of color, Boston resident and women to come in later as opposed to early in the project, which should be the strategy. It’s unfortunate that we were able to see in September what is being echoed now. **Commissioner Francis:** This being the second time this team has heard suggestions, what is the next step and when will they come back with a report that will make all the trades look different than what it does? **Commissioner Burton:** This project will most likely come back in the Fall. It would be good to see measurements in March. **Tanya Valverde (JF White):** I’ve worked with JF White and Local 56 Pile Driver union for the past 5 years. We’ve had our best goals with this project and struggle with Local 56 meeting the people of color/Boston resident and female goals. We have quite a few apprentices. This is the first Boston job I’ve seen a female 2<sup>nd</sup> operator. Our Division Mgr., Jim Beech is constantly requesting BR/POC/F and the hall always has available a white male. Right of Way training is conducted at JF White for any trade. We were getting Boston residents and unfortunately when the job started some of them didn’t want to stay and they left. I don’t know how we could maintain that. The job is 6 days a week and long days. We request from each union. We got 2 Boston resident and minority, but one got hurt and the other asked for a leave. Good workers. If there’s availability, we’re always open to rehire when people leave in good standing. I was not part of the September presentation but if I can get resources to follow-up with, I’m willing to do that. **Commissioner Cofield:** Feel free to reach out to me. I understand that for the most part, people who are with Local 56 Pile Drivers union desire to do that work. However, there needs to be a plan to increase the numbers. It’s the goal of the North Atlantic State of Regional Carpenters to increase the numbers. Let’s work on recruiting together. **Commissioner Burton:** We look forward to a status report in March. Thank you, John Rosenthal, and JF White. We hope you use some of the tools discussed today.

**B. 1550 Soldiers Field Road**

**Duration: 41 mins.**

**Present: Robert C. Simonds (SMC Management), Cathy Urban (Dellbrook JKS), Will Cook (Dellbrook JKS), Sheryce Hearn (Dellbrook JKS), Steve Kovac (Dellbrook JKS), Scott MacLeod (Dellbrook JKS), Adrienne Banks (Dellbrook JKS) and Takara Hamilton (BPDA Monitor)**

**178,988 wkhrs, 834 workers, 32 Contractors, 17%BR, 60%POC, 6%F**

**Project Overview:**

**Takara Hamilton (BPDA Monitor):**

Dellbrook held a Job Fair in February 2021 attended by: Atlantis Comfort and Optiline attempted to hire workers but had a couple of “no call no show”. We held a Corrective Action meeting for Turner Brothers on May 18th, 2021. Turner expressed issues with reporting a labor company and a change in supervision and company ownership. Turner Brothers hired 2 Boston Resident minorities. All of which quit. Turner Brothers were recommended for possible Sanction by the monitor on June 24th, 2021. A document was created to detail the sanctionable offenses (3 of the 7 compliance efforts under the BRJP) - Weekly payroll submission (Late/Missing) Multiple weeks of late or missing timesheets over an extended period. o Providing communications/confirmations: No response to emails on multiple occasions. Unable to schedule a corrective action meeting due to unresponsiveness. o Corrective Action meeting (Delayed): Due to unresponsiveness, we failed to plan Turner Brothers Corrective Action meeting in a timely manner. On July 8th, 2021, the BPDA met with Travis Watson, Boston Employment Commission Chair, and Celina Barrios-Millner, Director of Equity & Inclusion of the Mayor’s Office, to discuss the possible sanctions case. We held a Corrective Action meeting on December 16th, 2021, for Turner Brothers on the 5 Washington Project to discuss low diversity and late timesheets. We held a Corrective Action meeting on December 27th, 2021, for Optiline and their sub-tiers regarding delayed timesheets and delayed resident verification. Optiline’s sub tiers are largely responsible for the drastically low Resident Verifications. Shawnlee Construction hired 18 Boston residents. Unfortunately, several of the residents did not work out.

Shawnlee tries to diversify their workforce by continuing to employ residents. Atlantis Comfort Systems hired 12 new Boston Residents. 3 of which work on this project. Atlantis Comfort Systems has been working with MTTI and Benjamin Franklin Institute of Technology to recruit more diverse candidates. Atlantis Comfort Systems hires frequently and places workers in roles they will excel. Sometimes this brings their work off-site. 1550 Soldiers Road/21 SF Place has employed 89 Boston Residents. 75% Verification Rate (Working on collecting the remainder). Since July, resident participation has increased from 9% to 17%, POC participation has increased from 53% to 60%, and female participation has increased from 3% to 6%. 14. Most subcontractors have been extremely responsive and dedicated to increasing their numbers. All subcontractors have interviewed applicants from the Boston Jobs bank and Katrina Conrad. Some Subcontractors have hired from these applicants, and few have maintained the workers throughout the project. **Top Resident hour Contributors** a. GG Services: 89% b. A&J Framing, Inc.: 85% c. Meny's Drywall: 73% d. GTO Builders: 63% e. Essential Drywall: 59% 17. **Top POC hour Contributors** a. GTO Builders: 100% b. Essential Drywall: 100% c. Boston Roofing: 100% d. Shawnlee Construction: 86% e. Optiline Gympsium: 85%. **Top female hour Contributors** a. GTO Builders: 35% b. Charles Contracting Services: 19% c. Superior Contracting Services & D.A Bosworth: 12% d. Atlantis Comfort Systems: 10%.

**Commissioner Espinoza-Toro:** In listening attentively to this review and hearing how the pandemic has been an impact on sustaining workers, I'm wondering if there has been any creative way to incentivize/subsidize raise in pay to address the unsafe feeling workers have? **Takara:** I can't speak to raise in pay. **Commissioner Burton:** Perhaps someone from the Dellbrook team can address that. **Scott MacLeod (Dellbrook):** Dellbrook does not self-perform. We 100% rely on a subcontractor base. It's difficult to govern what a subcontractor pays. We make the best efforts we can in hiring subcontractors. One of our outreach resources is a contractor list from MHIC. The two challenges we encounter is 1. Getting people on site. 2. Reporting hours (We've done some training to assist with that). Covid has not helped the ratio of manpower. This is a private job which adds to the difficulty of other/alternative funding sources. **Commissioner Cofield:** When using a subcontractor base that has history of not meeting hiring goals and operates in questionable business practices (Turner Construction), the GC is accountable to address it. The answer isn't in offering more money and we're not blaming the pandemic. Construction is operating everywhere at full force. Although people might feel unsafe, they are still working. People want to be treated fairly and paid on time. **Scott MacLeod:** I'm not aware of Turner's history or your research on their business practices. We are internally reconsidering working with Turner. I respectfully disagree with the strong accusations you have made against Dellbrook. **Commissioner Cofield:** The accusation is about your subcontractor base. **Commissioner Burton:** With the sanctionable violations Takara has presented on Turner Brothers, why hasn't Dellbrook replaced them? **Sheryce Hearn (Dellbrook):** After the meeting Takara had with Travis and Celina on July 8<sup>th</sup> regarding the sanctionable violations, on July 9<sup>th</sup> we withheld payment of \$286,000 from Turner Brothers. After that action was taken, we saw a better response and it was expressed that there were challenges they were having as a company that had not been communicated to us. We will be more cautious moving forward with Turner Brothers and across the board. **Commissioner Burton:** Sheryce, I appreciate your response, however, I'd like the operation team to answer why they were not fired. Scott what is your position with Dellbrook? **Scott MacLeod:** I took over as a Project Executive 2 – 3 months ago. The job got to a point where replacing them became a capacity issue. **Dellbrook Assistant PM:** Turner Brothers presence dwindled by the Fall as they completed 80/90% of their scope of work – post tension concrete slabs 1<sup>st</sup> and 2<sup>nd</sup> levels, concrete on deck and on grade for part of the large bldg. and small bldg. across the street and framing. **Commissioner Cofield:** Turner Brothers didn't do well on the Forest Hills project 3 years ago (Dellbrook). Don't say you don't know their history. **Dellbrook Assistant PM:** I wasn't here 3 years ago or when the job was bought out. **Scott MacLeod:** As I shared, it became a capacity issue. This is specialty work (post tension concrete) there was no subcontractor base to replace them. Replacing at 70/80% is not always possible. **Commissioner Burton:** Workforce demands are changing on jobsites. The construction management is responsible for jobsite culture and must be creative with finding ways to incentivize sustaining workers on site. Workers know they are in demand and can go to another job if need be. I would recommend that all GC's take a hard look at considering the change that's taking place in this era and the need to incentivize sustaining the workforce. Takara as interim Chair, I'd like to talk with you within the week regarding Sanctions. To clarify, sanctions fall to the GC on behalf of the subcontractors (GC can address the subcontractor accordingly).

**Public:**

**Barry Keady (Local 12 Plumbers):** There was a lot of emphasis on Turner Brothers, but nothing said about Superior Plumbing who has 0 female participation (always) out of 29 workers, 20% BR and 28% POC. Dellbrook is culpable

for hiring contractors who don't meet the hiring goals. **Takara:** It is not true that Superior Plumbing does not meet the numbers. Diane Allen (Superior Plumbing) communicates with me (multiple correspondence). I'm following the guidelines of the BRJP ordinance, and you cannot sanction for lack of diversity in numbers. Turner was recommended for sanctions violations on the 7 compliance enforcements. **Commissioner Burton:** Barry, I hear you. Who we sanction and how we sanction will come down to performance. I would suggest you and Takara talk offline. **Barry:** I'll be happy to sit down and discuss. **Commissioner Cofield:** Barry, I understand what you are saying about Superior and when I spoke regarding Turner, I was talking about Dellbrook's whole subcontractor base. **Robert C. Simonds (SMC Management):** This has been very informative. We discuss weekly the efforts Dellbrook is taking to work with their subcontractors on meeting the numbers. Does this committee have a resource list of people available in the various trades? **Commissioner Burton:** The Boston Employment Commission does not hold or maintain a database. Outreach for that information can be made to the BRJP Jobs Bank, Local Union halls, Community Organizations and Operation Exit (returning citizens). There's a question in the chat as to whether the BEC recommends subcontractors, we do not. We/BRJP team are working on putting together a historical list of subcontractors who achieve and who don't achieve the compliance requirements and hope to have that published by the first quarter. **Robert:** That would be helpful for the contractors. **Commissioner Burton:** I understand you are new to these meetings, and I can say unequivocally the General Contractors keep a strong database on the performance of subcontractors and know whose performance is meeting the BRJP requirements and whose isn't. It's unnerving to hear it said that a subcontractor's history isn't known. In Boston, it's their business to know.

#### **IV. BEC Commissioners' Follow-up Requests/Concerns**

- 41 N. Margin St. – Boston Resident Verifications still insufficiently verified and will be removed as Boston resident hours.
- One Congress St. at Bulfinch Crossing – JMA sent a written update to the Commission. Commissioner Burton expressed that the Commissioners would review update and determine if necessary to bring this project back for further update.
- Fenway Parcel 7A update on workforce goal measurements by March.

#### **V. DIRECTOR'S REPORT:**

**Duration: 5 mins.**

**Andre Lima (Deputy Director of Supplier Diversity/BRJP):** Good afternoon, I'm Andre Lima, I started last February and worked closely with Celina and as she transitions to her new position as Sr. Advisor to the Mayor, I will sit in as interim Director until that position is filled. In other transitions, the New Chief of Equity, Opportunity and Inclusion, Segun Idowu (former President of the Black Economic Council of Massachusetts – BECMA) will join a future BEC hearing and introduce himself. Since our last BEC meeting, Commissioner Flint-Banks resigned. There are 2 Commissioner vacancies – Mayor's office is working to fill. If commissioners have recommendations, please reach out to Kim and they will be taken into consideration. In regard to the Sanctions Policy, it is in effect and the first step is a follow-up determination discussion on recommendations. **Commissioner Burton:** Commissioner Flint-Banks' resignation was voluntary. She will be missed in that capacity. We will miss Celina and happy to have you leading us, Andre. **Commissioner Cofield:** Congratulations to you, Andre and Celina. Welcome aboard.

Commissioner Burton called for a motion to adjourn the meeting. Commissioner Cofield made motion to adjourn, Commissioner Francis 2<sup>nd</sup>. All I's.

**Meeting adjourned: 3:00pm**