

Boston Employment Commission Hearing Minutes

A monthly hearing of the Boston Employment Commission (**BEC**) was held virtually on Zoom, September 21, 2022.

Commissioners Present: Commissioner JocCole “JC” Burton, Commissioner, Travis Watson, Commissioner Kenell Broomstein, Commissioner Charles Cofield, Commissioner Dr. Aisha Francis and Commissioner Darrin Howell

Hearing Begins: 1:05 PM

Commissioner Burton welcomes new Commissioner Darrin Howell and welcomes back Commissioner Priscilla Flint

I. MINUTES

May 18, 2022 Minutes – Motioned by Commissioner Watson, 2nd by Commissioner Dr. Francis and approved by all.

August 17, 2022 Minutes – Motioned by Commissioner Broomstein, 2nd by Commissioner Watson and approved by most with the exception of Dr. Francis (abstained because of absence from the August Hearing)

II. SPECIAL PRESENTATIONS

A. 250/280 Western Ave

Duration: 13 mins

Present: Kacey-Ann Satchell (Consigli), David Cullinane (Consigli), Julie Farrer (King Street Properties), Pamela Ruffo (BRJP Construction Monitor)

Overview:

Kacey-Ann Satchell (Consigli): Powerpoint Presentation - The project is 85% bought out with \$2/3 Million dollars remaining buyout cost. **Commissioner Watson:** J. Derenzo’s past performance hasn’t been good. What conversation have you had with them regarding participation? **Kacey:** Derenzo has started well on this project. Their female participation is at 9%. We are involved in weekly conversation and have had a hard conversation with Jessie Berman (?). **Commissioner Watson:** Appreciate your efforts with them. **Commissioner Burton:** Thanks team for their presentation.

B. 60 Guest Street

Duration: 11 mins

Present: Kacey-Ann Satchell (Consigli), David Cullinane (Consigli), Rob Tomasetti (Lendlease), Daphne Sarcia (Lendlease) and Pamela Ruffo (BRJP Monitor)

Overview:

Kacey-Ann Satchell (Consigli): Powerpoint Presentation - 80% bought out with 20% remaining. 8/2024 Completion, Construction cost \$233/235 Million. Expecting high-volume foot traffic from walk-on applicants. **Rob Tomasetti (Lendlease):** We are confident in Consigli’s compliance oversight on this project. **Daphne Sarcia (Lendlease):** Community Partnerships. **Kacey:** Consigli participated in Building Pathways recent graduation cohort

with the expectation to match them with trade partners on this project. **Commissioner Burton:** Developer's presence reassures your commitment. Applaud the local artists' inclusion on this project.

III. PROJECT REVIEWS

A. JJ Carol

Duration: 27 mins

Present: Liz Kozol (2 Life Communities), Sheryce Hearn (Dellbrook JKS), Adrienne Banks (Dellbrook JKS), Ed Sople (Dellbrook JKS), John McGinnis (Dellbrook JKS), Stephen Donovan (MOH) and Robert Woodson (BRJP Construction Monitor)

Project Overview:

37,514 wkhrs, 288 workers, 15 Contractors, 25%BR, 46%POC, 7%F

Robert reviews overall numerical compliance and BRJP highlights, concerns and recommendations. Project is 25% complete. The projects overall Boston Resident percentages, at 25%, could use improvement. The projects overall average payroll submission time is currently at 19 days. ***MIW has an average submission time of 14 days. The first few weeks of payrolls were submitted in bulk delinquent, resulting in an egregious average submission time. Subsequent submissions have been consistent since.*** 31 of 46 Boston residents have been verified to date (67%). ***This was updated during the BEC Hearing to 37 of 47 Boston residents are verified.*** Corrective Action Meeting was held 4/22 with ***Beacon Waterproofing, J.Derenzo, Marguerite Concrete, Sagamore Plumbing, and Superior Contracting*** asked to attend due to substantial work hours performed and lack of resident and female workforce participation. Since that meeting: Beacon Waterproofing 34 hours, 3 workers - 85% **BR**, 71% **POC** 0% **F**; J.Derenzo 1,612 hours, 11 workers - 14% **BR** 28% **POC** 14% **F**; Marguerite Concrete 1,812 hours, 54 workers - 14% **BR** 56% **POC** 6% **F**; Sagamore Plumbing 303 hours, 5 workers - 24% **BR** 0% **POC** 0% **F**; Superior Contracting 392 hours, 1 worker - 0% **BR** 100% **POC** 0% **F**.

Commissioner Watson: Out of 26 Operators, 32 workhours went to a female. That is super offensive (0% BR, 0%POC, 1%F). Tara Construction has questionable employee practices (referenced 6/21/2020 article). Boston is a sanctuary city and its gross that this situation happened in the City of Boston's construction industry.

Commissioner Burton: Commissioner Watson, thank you for bringing that to our attention. It's important to know when people are used as leverage and tools. The BRJP itself should have in place input on contracts awarded. What is the strategy to get this on track? **Sheryce Hearn (Dellbrook JKS):** We realize the numbers are not appealing. We have a vigorous plan for walk on residents. While this is an open shop project, it is mostly union contractors, and we are forced to work with those issues. We have leverage to withhold payments.

Commissioner Burton: It appears by the numbers that Dellbrook is ok with outside workers. How can we take that this project is open to people of color, just not Boston resident people of color? **John McGinnis (Dellbrook JKS):** The Boston resident numbers seem to be dropping due to Boston being too expensive to live in. In addition, Boston residents are being lost to outside construction work elsewhere (used Margarite Construction as an example). Female numbers seem to be coming closer to the goals. **Commissioner Burton:** We have seen that open shop performs better. **Ed Sople (Dellbrook JKS):** This project is 70% union trades even though it's open shop.

Sheryce: We've learned that there are barriers with some of the walk on applicants and to address this, we have training and development opportunities. An OSHA class is coming soon. There are efforts behind the scenes (Job Fairs and a Community Partner Accelerator), that unfortunately don't translate in this report. **Commissioner**

Burton: What is the completion date of this project? **Ed Sople:** August 2023 (Steel Podium completed, Tara Construction is Framing contractor). **Commissioner Burton:** Robert, provide a snapshot progress report from

Dellbrook in November, before interior work on this project. I'd love to see a more thorough plan of where subcontractors are getting their workforce from. We've heard how Tara treats their workers. **Stephen Donovan**

(MOH): This project is supported and funded by MOH and we are committed to raise this issue at our weekly meeting. **Commissioner Watson:** I was unaware that the city was involved in this project. In regards to the

situation with Tara construction, I'd like the city to look at violations with OSHA and the US Department of Labor before assigning contracts. **Andre Lima (Deputy Director Supplier Diversity and Boston Residents Jobs Policy):**

We will follow-up with the Mayor's office and Mayor's Office of Housing (MOH). **Commissioner Burton:** Critique is tough and we try to give insight and guidance where possible.

B. 250 Centre Street

Duration: 20 mins

Present: Brooke Woodson (Shawmut Construction), Micah O'Neil (Shawmut Construction), David Aiken (The Community Builders) and Celso Ribeiro (BRJP Construction Monitor)

Project Overview:

58,469 wkhrs, 411 workers, 17 Contractors, 12%BR, 39%POC, 4%F

Celso Ribeiro (BRJP Construction Monitor): The project is 45-50 % complete. Shawmut payrolls are submitted within 7 days. 16 of 37 Boston residents are verified (43%). Shawmut Construction is the General Contractor for this project and self-performing (4,102 total work hours, 7% Boston Residents, 45% POC, and 0% Female). Shawmut will be holding a job fair on October 4th, 2022 (located at their corporate office) aimed at raising awareness on career opportunities in the Greater Boston construction industry, specifically focusing on Boston residents, women and people of color. A corrective action meeting with subcontractors who did not meet the employment standards met on August 18th, 2022 (attached to report). North & South Construction, MP Plumbing & Heating, Foosfire, Pegasus & Sons, VMA Electric, Optiline, Triple J Drywall, Emerald iron Works, D&M Civil, Marguerite Concrete and Rose Steel were all in attendance. With the most hours worked on this project (12,494), North & South Construction have not met any of the employment standard numbers. North & South Construction have completed their scope of work. With the fourth most hours worked (5,221), Triple J Drywall & Carpentry have approximately 13,000 hours left of work. Since our corrective action meeting, they have hired a Female that is also a Person of Color and Boston Resident.

Commissioner Burton: This is not what we expect from Shawmut. **Brooke Woodson (Shawmut Construction):** I'm 8 days in with Shawmut. Met with project team last week. No one is satisfied with this project to say the least. We will address the Boston resident verifications (Micah O'Neil and Samantha). Madam chair, I request 2 months to get project turned around. **Micah O'Neil (Shawmut Construction):** Surprise myself with the non-verifications. We hope to generate interest at the Job's Fair on October 4th and are pushing subcontractors into finished trades. This is a residential project with non-prevailing wage, union trades and some open shop trades. **Commissioner Watson:** Brooke, congratulations on your new position with Shawmut! As you get acclimated, when you report back in 2 months, please address Shawmut's self-performance (4,000 workhours, 24 workers, 7% Boston residents and 0% Females). **Micah:** There's not a lot of workhours by Shawmut (Star Light). **Commissioner Watson:** 4,000 workhours are a significant opportunity for women. **Micah:** I think those are laborer hours. **Commissioner Burton:** The numbers are bad and I'm disappointed in Shawmut. Perhaps there was not enough engagement with the BRJP monitor. There are no corrective action details or follow-ups. This is not making sense. **Micah:** This is a true residential market – subcontractors that are not our core crew and that's some of our struggle. Learning how they operate. **Commissioner Burton:** Bring back in November. **Commissioner Watson:** Is there a representative here from The Community Builders? **David Aiken (The Community Builders):** While I realize our soft cost – supplier diversity focus is not part of the BRJP ordinance, we do incorporate that. We are disappointed in the resident piece on this and glad that Brooke is on the job (6-8 months left on this project). We hope that November produces better. **Commissioner Watson:** I'd like to follow-up offline on your best practices regarding soft cost and supplier diversity. **David:** We can do that. **Commissioner Burton:** Developers are getting more sophisticated in selecting contractors and we are asking that that same effort be given when wooing workers.

IV. BEC Commissioners' Follow-up Requests/Concerns

- JJ Carol provide written update by November
- 250 Center Street to come back November 16, 2022

V. SANCTIONS:

Based on this hearing, there are a lot of options for sanctions if we were aggressively moving towards that. We are still in conversation with the mayor's office on how we best carry that out. We only want to do to that to let people know we are serious about benefits that should be made available to the people of Boston.

VI. DIRECTOR'S REPORT:

Duration: 7 mins.

Andre Lima (Deputy Director Supplier Diversity and Boston Residents Jobs Policy): I will follow-up with concern raised regarding Tara Construction and projects funded by the Mayor's Office of Housing and other City funded projects. In addition, Commissioner Watson, I will look into the wage loss / workhours concern with the BRJP and BPDA staff on preliminary data. If there are particular projects, you have in mind, please send to me or Omar. We will make every effort to follow-up with the Commission before the October BEC. **Commissioner Watson:** I'm not trying to create extra work and believe the information will be helpful. I appreciate your efforts to accommodate my request.

Khalita Chambers-Walker (MOEOI Supplier Workforce & Diversity Outreach & Engagement Manager):

Wednesday, September 28, 2022, Construction Maintenance Opportunity Fair, Bolling Bldg (Nubian Sq/Roxbury, MA). This is separate from a hiring event. We have secured Haycon, Suffolk Construction, Shawmut, NEI Contracting and 11 City of Boston Departments. Purpose is to have diverse businesses meet GCs and City of Boston Depts network and build relationships. Learn about upcoming contracting opportunities and learn about government contracting steps/process. **Commissioner Burton:** It's always good when the city can help facilitate. **Commissioner Watson:** Thanks Andre, Omar and Kharlita for elevating the work and pushing it in the right direction. **Commissioner Burton:** Omar it's been a couple months since you started, what do you think? **Omar:** So far so good. Still in learning mode and getting into action mode. Thank you to Christopher Brown, BRJP Manager who is on the line. **Commissioner Howell:** Echo comments around city efforts regarding diversity. **Commissioner Burton:** Will the October BEC be virtual? **Andre:** The Open Meeting Law was extended until 3/2023. I will revisit at the beginning of the calendar year.

Motion to adjourn - Commissioner Watson, 2nd Commissioner Broomstein. All I's.

Meeting adjourned: 2:33pm