

Boston Employment Commission Hearing Minutes

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

Commissioners Present: Commissioner JocCole “JC” Burton, Commissioner Charles Cofield, Commissioner Darrin Howell and Commissioner Priscilla Flint.

Hearing Begins: 1:04 PM

Commissioner Burton acknowledged Commissioner Charles Cofield’s retirement from the Carpenters union.

I. MINUTES

September minutes were held over to be approved in November.

II. SPECIAL PRESENTATIONS

A. Mission Main

Duration: 28 mins.

Present: Neisha Colon (Winn Companies), Dan Carleton (Keith Construction), Sandy Paben (Renaissance Groups) and Patricia Maragioglio (BRJP Construction Monitor)

Overview:

Neisha Colon (Winn Companies): reviewed special presentation PowerPoint. **Commissioner Burton:** based on Keith Construction’s year to year performance, in a 2 yr. cycle you’ve achieved 65%BR, 100%POC and there is still work to be done with the female participation. I appreciate your aggressive inclusivity. **Commissioner Cofield:** My concern is with fairly evaluating skilled people. How are people evaluated through your hiring process as it relates to pay rates? Misclassification is an unfortunate issue and I recommend you keep an eye on that. **Dan Carleton (Keith Construction):** Attracting key people are important. **Sandy Paben (Renaissance Group):** This is a Davis Bacon project. We are onsite no less than once monthly which minimizes misclassification. **Commissioner Cofield:** Historically, in the past, this has been the case. Please keep a close check.

Public:

Mukiya Baker-Gomez (Community Advocate/Activist): There was mention that from a recent hiring/opportunity fair event, it produced a pool of 100 people. What trades? **Sandy:** Yes, event held on September 7th at the Bolling Building in Collaboration with the City of Boston Jobs Bank. There were trades across the board. More skilled than the last 5 events in the city – 15% more highly skilled. **Dan:** Subcontractors are using existing workforce and will reach out across all trades (Carpenters, Electricians, Plumbers, etc). **Mukiya Baker-Gomez:** What % of the 100 are employed on this project and what’s the compliance process? **Sandy:** Hard to say. Early stages in the project and most trades have not been bought out. **Dan:** In regard to compliance, there are monthly reporting requirements. **Mukiya Baker-Gomez:** They don’t come in with a plan? **Sandy:** When we have Pre-con with BRJP construction monitor, we know what they will need. So very early difficult to say. **Commissioner Burton:** track 100 people. Disappointing for job applicants, skilled, and not hired. **Sandy:** We oversee 8 projects in the city of Boston. We have placed others on other projects. We do track. **Commissioner Burton:** We will revisit at review. **Mukiya Baker-Gomez:** Interchange of information is important. **Sandy:** Janine McLaren of the COB Jobs Bank helped design for people to self- describe their skills. **Commissioner Flint:** Are you in compliance with the 8 projects? **Answer:** Yes, most are. Shortcoming is on Section 3 (25% of labor hours is low income). **Commissioner Cofield:** Crews starting on job decided on make-up. **Sandy:** Understood.

Janet Jones (Community Advocate/Activist): Drop Box has been successful with the Bowdoin Street project.
Commissioner Burton: Don't forget the old-fashioned drop box.

B. Citizen M Hotel

Duration: 32 mins.

Present: Vera Addi (Suffolk Construction), Ted Anastopoulos (Suffolk Construction), Ed Schelleng (Commercial Construction Consulting, Inc.) and Christopher Brown (BRJP Manager) for Manuel Barbosa (BRJP Construction Monitor)

Overview:

Ted Anastopoulos and Vera Addi (Suffolk Construction): Review PowerPoint. This project is estimated at 16-month duration. 12/20/22 estimated structure completion and full completion of project 11/2023. 99% bought out with 2 remaining (Final Cleaning and Door Hardware Installation). 1 MBE/2 WMBES and we are prioritizing buyout of the 2 remaining subcontractors. Vera mentioned outreach to Mary Vogel of Building Pathways to schedule site tour with John Good (*didn't get the clarification who John Good is with*). He was referenced with Local 17 or the North Atlantic State Regional Council of Carpenters. Suffolk rebranded. QR Code has a list of projects to apply for in addition to this project and a link to the City of Boston's Jobs Bank's website.

Commissioner Burton: Dara Frederick let us know she would not be able to be here today. We congratulate her on her new role with Suffolk. Are there challenges meeting the goals? **Vera:** We've been scheduling monthly Corrective Action meetings with Manny. Union Business Agents are invited to all corrective action meetings. If there is a person in the hall, we have received. We work with Business agents and trade partners. **Commissioner**

Burton: Given the superstructure is finishing in a couple of months, as a snapshot, are you behind? **Vera:** We are starting out strong and working with trade partners to make sure they are reaching out to the union halls. We've met and succeeded POC goal and female participation is at 6%. **Commissioner Cofield:** I received a call from Dara regarding the resident numbers being off and she's addressing business agents on that. I expressed to her that documentation from business agents is necessary. **Commissioner Flint:** What happens at a corrective action meeting? If there's been no change, then what? **Vera:** A lot is based on schedule of work. 1-2 workers on site. Work increases as scope increases. We recommend outreach to the hall. They do when they can. Doing very preliminary work. We have 10% tradeswomen. **Commissioner Flint:** There's no reason why Boston residents shouldn't be in compliance. **Mukiya:** Based on the prior Special Presentation's information about the 100 people added to the jobs bank and assuming there are apprentices in that number, have you utilized the jobs bank? What was done prior to get subcontractors into compliance? **Vera:** It is a matter of availability at the halls. In regard to apprentices, the new QR code has not received applicants interested in my projects. **Mukiya:** This is a tracking question and Suffolk has been around too long for this conversation! Are there any MBEs working on the commercial space part of the building? **Ted:** Retail is under a separate contract (Level 2 and up). **Commissioner**

Burton: To clarify, the GC is working on Superstructure. **Mukiya:** Is it in your plan? **Ted:** We are prioritizing. Solely with Citizen M. **Commissioner Howell:** Suffolk has a rich history in Boston and it's disappointing to see the level of access Boston residents have to this project. What effort is Suffolk taking to address the BR void and expedite conversation with the building trades? **Commissioner Burton:** We did address speaking to building trades in last month's BEC hearing. This Special Presentation signals a red flag: 99% bought out and already having compliance reviews. I'd like this project to come back in November and give an update on what you're doing as you close out structure in December. We appreciate the developer being here and we know when the developer participates it's meaningful. **Ed Schelling (Winn Companies):** Appreciate the input and will bring back to C3 and prepare with Suffolk for November. **Commissioner Burton:** This is an amazing opportunity as you go into the interiors. We hope the plan in November will show that.

Public:

Janet Jones (Community Advocate/Activist): Samuels & Associates is responsible for DOT Block. **Ted:** Samuels is the developer of the overall project; however, we have had very little interaction with Samuels on this project.

III. PROJECT REVIEWS

A. 776 Summer Street

Duration: 52 mins.

Present: John Newall (Hilco Redevelopment Partners), Anastasie Duffaut (Suffolk Construction), Christopher Hersey (Suffolk Construction), David Pearson (North Star) and Pamela Ruffo (BRJP Construction Monitor)

Project Overview:

118,310 wkhrs, 191 workers, 7 Contractors, 16%BR, 63%POC, 5%F

Pamela Ruffo (BRJP Construction Monitor): Reviewed BEC reports highlights and concerns. **Anastasie Duffaut (Suffolk Construction):** Reviewed Powerpoint and spoke to Suffolk building awareness of students and scheduling site tours (Excel High School, Youth Build, Building Pathways and Homeless to Hardhats). **John Newhall (Hilco):** 1st phase – BCDC review (500sqft) – making sure we are planning ahead. 40% complete, 100 workers averaging per month. **Christopher Hersey (Suffolk Construction):** Team is focused on BRJP goals. Trade partner, Northstar (abatement demolition) is on the call. Enabling phase of 10-year project. 2200 – 2300 construction jobs will be created (3 ½ years). **Commissioner Cofield:** Is the 40% complete demo? **Chris:** 95% demo. **Commissioner Cofield:** How much research on Northstar before they started the job? **Chris:** The subcontractors we looked at were specific in detail and qualified from trade and experience standpoint. **Dave Pearson (North Star):** 16% is low for us. Once in a lifetime project for a community. Challenging hard work. Met with unions and vendors. Local laborers have been helpful to train (*referenced One Post Office and City Hall projects numbers - Boston residents 30%, POC exceeding, and female fluctuated*). We do take this seriously. Generational trade – senior tradeswoman is abatement. **Commissioner Cofield:** Too often we hear people in Boston can't do the work. I understand the complexity of the work. Moving forward, need more corrective action meetings before the problem is too late to address and improve (*17 Boston residents on site currently*). **Commissioner Burton:** This issue is Boston resident numbers. At what point will your company have a training program for pipeline development for diversity purposes? **Commissioner Cofield:** Continue with apprenticeship programs, but they're not qualified to do the work. **Chris:** Point well taken Commissioner Cofield. **John Newhall:** Yes, Commissioner Cofield, hear your point as demo specialty. **David:** We hear what you're saying and will work with Local 1421 (Building wreckers) to engage and enhance their program. **Commissioner Flint:** 0% resident for carpenters? Companies need to be disbarred. **Commissioner Burton:** What's left? **Chris:** 1 – 2 carpenters on demo – we haven't ramped up. December Locals 1421/223 wreckers and laborers – infrastructure – waterways – 2023/2024 – site work. **Commissioner Burton:** You're hearing frustration because your special presentation a few months ago promised a better outcome.

Public:

Mukiya Baker-Gomez: Of the 45%, how many MBEs are performing work? Predominance of the work was laborers? **Chris:** MBE % lowest – set for larger project. It has been talked about. This piece doesn't have MBEs. Moving forward is to develop small packages. 100% bought out. 10 bldgs – waterway, infrastructure, landscape, etc. **John Newhall:** With 95% being demo and the type of work being so complex. The next phase is more normal vertical construction. **Mukiya:** Why are there no MBEs? Did you approach the DCAMM list or the Minority contractors list? Madam Chair, I request that BRJP staff do an analysis on why MBEs are not included. **Commissioner Burton:** We understand that this is specialty deconstruction demo. However, there's an undercurrent. While MBEs are not in the purview of the BRJP ordinance, statistically we know that Black and Brown construction companies (MBEs) do lead to a higher participation rate of the labor force/workforce across every trade. 16% isn't a good number - at least bring up to the minimum done on other projects. Suffolk, in your infrastructure phase, we need you to be intentional and creative. This goes back to pre-con, and we need the estimating team to hear these concerns. (*Commissioner Burton made a point to acknowledge Maxim Crane hiring a black woman who's gained some notoriety in the city and is an example that when given the opportunity, black women/women of color can succeed in the construction field*).

B. Fountain Hill Ownership

Duration: 25 mins.

Present: Kevin Maguire (Oxbow Urban), Sheryce Hearn (Dellbrook JKS), Jeffrey Davies (Dellbrook JKS) and Robert Woodson (BRJP Construction Monitor)

Project Overview:

28,769 wkhrs, 266 workers, 15 Contractors, 20%BR, 43%POC, 3%F

Robert Woodson (BRJP Construction Monitor): Reviewed BEC reports highlights and concerns. **Commissioner Flint:** Same O Same O. Tired of beating a dead horse. **Commissioner Burton:** Where do we go from here? **Sheryce (Dellbrook JKS):** We will submit Best Faith Efforts to Kim following this hearing to share with the Commission. We will not make excuses. The top 5 trades, 3 union 3 MBEs and 1 WBE. We are working with State Rep. Chyna Tyler on a construction program with the only trades high school in Boston (*referenced Madison Park High School*) to address the pipeline often talked about. **Commissioner Burton:** Verification for residents @ 64%, 22 people on site is not a good sign. **Sheryce:** We found discrepancy in the Boston resident verifications between Dellbrook's tracking (*higher*) and BRJP's tracking. The project is 67% complete (*report has 50%*). **Commissioner Cofield:** Not enough corrective action meetings happening when the time to correct things are most important. Core crews are not representing the neighborhoods they are working in. **Sheryce:** This project is in State Rep. Chyna Tyler's district, and she wanted to be involved/engaged on behalf of the residents of her district and looks to address the concerns mentioned. **Mukiya:** I want to encourage compliance workers. We need your honest feedback of what you're experiencing in the field with subcontractors and what you hear from potential workforce. We want to change the economic fiber of the city of Boston, and we can't assume people know some of the basic requirements of working in construction. **Commissioner Cofield:** I'm recommending this project come back in December. What's left to complete? **Jeff Davies (Dellbrook JKS):** We are 65/70% complete, 100% bought out (23%MBE, 15%WBE). Finishes are next phase (*flooring, painters, counter tops, kitchen cabinets and finish carpenters over the next week/months – 5 -6 trades remaining*). **Commissioner Cofield:** Westview (WMBE) is doing dry wall, but not meeting compliance? **Sheryce:** Westview is one of our newest subcontractors (union) we took them through our partner Accelerator to give them an opportunity. They have reached out to the hall and as of yesterday have not been able to receive any female workers from the hall. **Commissioner Cofield:** Rob, what's your assessment? **Rob:** Not much confidence, although there are mitigating circumstances that impact that view (*proof is in the pudding*). **Sheryce:** Thank you to Mukiya for encouraging compliance workers. It's hard out here. **Commissioner Cofield:** It's hard work and the work is holding people accountable. Commissioner Burton had to leave, and I will recommend this project come back November/December to see where it stands and how it will finish. Thank you Dellbrook and Mr. Woodson for this review. On another note, and by way of announcement, JocCole Burton (Maven Construction) is the first African American GC in the city of Boston and in the Commonwealth of Massachusetts ever to sign on with the Carpenters union (applaud from zoom participants).

IV. BEC Commissioners' Follow-up Requests/Concerns

- Citizen M Hotel come back in November
- Fountain Hill come back in December

V. SANCTIONS:

VI. DIRECTOR'S REPORT:

Duration: 10mins.

Andre Lima (Deputy Director of Supplier Diversity/BRJP):

In September, Labor Day, the Mayor announced a new Office of Workers Empowerment and BRJP will be moving into that cabinet at the end of the fiscal year. Trinh Nguyen (*not in attendance*) is the Chief of this new office and the Deputy Chief, Jodi Sugarman-Brozan is here and will introduce herself. **Jodi Sugarman-Brozan:** Good afternoon, I come from the non-profit sector, Mass Coalition for Occupational Safety and Health (MCOSH). Worked in the arena of social and environmental change as it related to worker protection and labor compliance. As was shared, this new office launched on Labor Day and is the first of its kind in the city of Boston. Having this opportunity to listen and learn from this meeting has been helpful. Deputy Chief Rashad Cope (*not in attendance*) will be over workforce development (*building and expanding skills training programs and career pipelines*), and we plan to engage with the BRJP staff and BEC Commissioners to continue the legacy of former organizers to meet employment standards defined in the BRJP ordinance.

Commissioner Flint: After 12 years of advocacy and now as a Commissioner, I'm concerned about compliance and enforcement and the too many sorry excuses presented before the BEC monthly. Mayor Wu said it was the will of the mayor to enforce this ordinance. Commissioners aren't able to talk to each other outside of this meeting

because of the open meeting law (*this is a misunderstanding and will be addressed with the Commissioners*). **Jodi:** I hear the frustration loud and clear. **Commissioner Cofield:** How do you change personnel and administration without meeting with people? **Jodi:** I will look into these concerns raised and solutions to them. **Commissioner Cofield:** I would love to see changes under this board. I've wanted to step down, but there's still work to do, and I can't walk away.

Public:

Janet Jones (community advocate): referenced the Boston Convention Center in relation to her advocacy work to hold people accountable.

Commissioner Cofield: Due to lack of quorum, September BEC Minutes and Directors report will be approved in November's BEC Hearing. Motion to adjourn meeting, Commissioner Flint 2nd and all I's.

Meeting adjourned: 3:35pm