

# Boston Employment Commission Hearing Minutes

---

A monthly hearing of the Boston Employment Commission (**BEC**) was held on Wednesday, February 20, 2019 at One City Hall Plaza, Conference Room 801, Boston, MA 02201.

## **Commissioners Present:**

Chair, Commissioner Travis Watson, Commissioner Charles Cofield, Commissioner Deborah Wright, Commissioner Stephanie Everett, Commissioner Jorge Martinez, Commissioner John Redd III and Commissioner Kenell Broomstein.

## **Hearing Begins: 1:04 PM**

### **I. MINUTES**

September 19, 2018 – Approved  
October 17, 2018 – Approved  
December 19, 2018 - Approved  
January 16, 2019 - Approved

### **II. SPECIAL PRESENTATION**

#### **A. 135 Morrissey Blvd.**

**Duration: 20 mins.**

**Present: Todd Fremont-Smith (Nordblom), Joel Dyson (JMA), Karen Blessington (JMA), Kate Blessington (JMA) and Vargas DaSilveira (BRJP Monitor).**

#### **Project Overview**

**Todd Fremont-Smith (Nordblom):** Just beginning 107,000sqft core shell renovations. New Building to be named The BEAT – Boston Exchange for Accelerated Technology. **Joel Dyson (JMA):** Duration of project estimated at 14-15mos - just received building permits. All subs have been awarded. JMA will provide subcontractor list to BRJP Monitor. **Commissioner Watson:** JMA is a solid choice as GC with their best practices that include partnerships with organizations like Building Pathways. **Karen Blessington (JMA):** We have a repour with all our subs and we realize the importance of that. **Commissioner Watson:** Any concerns? **Karen:** This is my first time working with Vargas. We had the first pre-construction meeting with subcontractors. Communication so far is good, however, I foresee a real challenge ensuring payrolls are received timely from subcontractors and in meeting the Boston Resident and Female goal under the New Ordinance. We expect to meet the People of Color goal. **Commissioner Wright:** I'm hearing some apprehension and wondering if you have a comprehensive plan to go forward. **Chris Brown (JMA):** Karen is expressing that the market is so busy and union halls are empty. There are only so many workers available. We're able to get involved early enough with the developer in recommending/selecting subcontractors on their ability to perform, including with BRJP. We have already outreached to Building Pathways to assess availability/timing of classes so we can connect workers to subcontractors. **Commissioner Cofield:** I hear apprehension based on bad information. Union halls are not empty. **Joel Dyson (JMA):** Are you encouraging Walk-on Applicants. **Commissioner Cofield:** I'm encouraging contractors to call the union BAs and ask for available Boston Residents and Females. People of Color outside the city are getting the jobs. Boston Residents are not getting the jobs. Qualification is not the issue. The Carpenter's union makes sure the qualification is there and if it is not, a qualified worker is provided. **Chris Brown (JMA):** We need to do a better job communicating with subs and outreach to BAs. **Commissioner Cofield:** Boston Residents are being overlooked. Contractors need to understand they must meet BRJP goals and commit to retaining Boston Residents, People of Color and Females on core crew.

**Public:**

**Janet Jones (Boston Jobs Coalition):** As a Dorchester resident we will be following this project very carefully in light of other upcoming developments in the neighborhood. **Chuck Turner (Boston Jobs Coalition):** Appreciate Commissioner Cofield's point but it's clear unions don't have the supply of Boston Resident, People of Color and Female numbers to fill capacity and until this is addressed the goals will not be met.

**B. 321 Harrison Ave.**

**Duration: 5 mins.**

**Present: Todd Fremont-Smith (Nordblom), Josh Snyder (JMA), Karen Blessington (JMA), Kate Blessington (JMA) and Vargas DaSilveira (BRJP Monitor).**

**Project Review:**

**Commissioner Watson:** Anything different from previous presentation? **Todd Fremont-Smith (Nordblom):** Project site located at the former Teradyne Building by the Mass Pike/Ink Block neighborhood. Longer construction schedule - 24 month duration. The project is currently in the enabling stage and estimated start is July 2019.

**Commissioner Watson:** Please share buyouts with BRJP monitor. **Karen Blessington** asked Commissioner Cofield if he would be willing to attend pre-construction meetings regarding Drywall/Carpenters. **Commissioner Cofield** expressed that if he receives an invitation, he would attend and further stated the names of a few other BAs from Local 327 that could also be invited.

**III. PROJECT REVIEWS**

**A. Parcel M1 & M2**

**Duration: 25 mins.**

**Present: Michael Schumacher (Cottonwood Management), Joel Dyson (JMA), Karen Blessington (JMA), Kate Blessington (JMA) and Vargas DaSilveira (BRJP Monitor).**

**Project Overview:**

Current overall #: 429,539 work-hours, 32%BR, 29%POC, 6%F

**Commissioner Watson** asked for clarification on the Corrective Action date in report which should read "was held" 5/11/18. **Kate Blessington (JMA):** There was a recent Corrective Action meeting in December 2018 with Accord Steel and they have gone up in their numbers. BOSS Steel hired two workers. **Commissioner Watson:** We're meeting with S&F tomorrow, so no need to go over them. What's JMA's observation with subcontractors not meeting goals? **Chris Brown (JMA):** Commissioner Cofield mentioned core crew. We see lack of interest from certain trades (example: pile drivers). Core crew construction is disciplinary work, some subs are weary to put time into training to discover down the road worker is unwilling to go the distance. **Commissioner Watson:** Can you write down those trades you notice and we can connect and focus on those trades? **Commissioner Cofield:** Training includes being motivated and what you're saying is what BAs need to hear. **Commissioner Watson:** If any subs are union and have deficiencies in females, PGTI is available to assist.

**Public:**

**Barry Keating (BA, Plumbers Local 12):** In general, plumbers union has not been invited to meeting(s) – very few contractors call for requests/referrals – they actually try to avoid it. They're not interested in compliance. They're interested in core people. We had a Boston female but contractors wouldn't hire her. Moriarty is a good GC.

**Susan Moia (Policy Group on Tradeswomen Inc.):** 500 women wanting to get into the unions – PGTI would like a commitment from contractors to employ/train and sponsor these women into the union = best practice = helping increase the female #'s and help them get in the pipeline.

**Commissioner Watson:** After BEC meetings, Barry Keating (Plumbers Local 12) has called and there's been some success. **Chris Brown (JMA):** We will emphasize with our subcontractors the need to follow through on outreach efforts with union, etc. **Commissioner Everett:** Are contractors afforded a list when they're awarded a job (from union, apprenticeship programs) and giving the subs the tools to be successful? **Commissioner Cofield:** The tool is the phone.

#### Public

**Susan Moia (PGTI):** You have to be tougher with the subs. There's no consequence to them.

**Janet Jones (Boston Jobs Coalition):** \$785,000,000 just in the packet today. Contractors need to do better.

**Joel Dyson (JMA):** As Chris stated, on our end, there is a deficiency and we will do better. **Commissioner Watson:** The BEC One Pager has some of those resources in it. This project is under the Old Ordinance and without the teeth the New Ordinance has been amended to have. **Joel Dyson (JMA):** We can include language to say such.

**Karen Blessington (JMA):** We have language in our contracts because we know all the loopholes. Union is trickier than non-union.

#### B. Boston Garden Podium

Duration: 30 mins.

**Present:** Kevin Moroney (Boston Properties), Peter Scozari (Cheviot Corp), Tim Dankin (Cheviot Corp), Kate Blessington (JMA), Karen Blessington (JMA) and Manuel Barbosa (BRJP Monitor).

#### Project Overview:

Current overall #'s: 860,670 workhours, 28%BR, 33%POC, 5%F

**Commissioner Watson:** I'd like to commend JMA on tremendous leadership (having Cheviot Corp come in weekly to address BRJP issues) while working on multiple BRJP projects (70,000 self-performed workhours). Century Drywall has a significant amount of hours. What is the conversation with Century? **Kate (JMA):** We've had numerous conversations with Century (noted letters attached). **Commissioner Cofield:** I know G&C couldn't care less about the #'s, but surprised that Century Drywall (Roger) can't meet the #'s. **Commissioner Watson:** Manny, when was last time Century came in? **Manny:** Once in last 2/3 months. **Commissioner Watson:** Might be good to have them come in to try and figure out disconnect on the #'s. What are # of hours within last 4 years? **Chris Brown (JMA):** 70,000 - Drywall peaking at Casino might have been a factor. We will make sure that before awarding we communicate with subcontractors (It's a group effort). **Commissioner Watson:** The ones that aren't willing will have to go to the attention of Chief of Economic Development (John Barros). **Commissioner Wright:** Is there a list of BAs and one point of contact? **Commissioner Watson** explained that notices about BEC Hearings are sent to the BAs. Chris stated they communicate via email or letters to the contact person. **Commissioner Wright:** The list should be made available in a Pre-Con meeting. **Commissioner Watson:** As GC is reaching out to union hall, cc BA and BRJP staff. Bring Accord Steel in for a conversation (they might need to take a back seat on further work with the city).

#### Public

**Susan Moia (PGTI):** Moriarty is living proof of Finishing the Job (Best Practices Handbook) works. We want the commission to figure out a way to implement it into your 7 Compliance Efforts. 17 subcontractors 7 mil workhours 3 (28.5%) of those are HIPP (High Impact Poor Performers). **Commissioner Watson:** BRJP is working on top 5 union and top 5 non-union contractors. And yes to all of what you're saying. I will set up a time to meet with you. Susan requested to be contacted by Friday.

**Commissioner Watson** asked representatives of Cheviot Corp if they are Union and the answer was yes. He further asked what the challenges are and suggested that a separate in depth conversation be had with Cheviot. BRJP will reach out to set something up. **Peter Scozari (Cheviot Corp):** There's a challenge of bringing Boston Residents into what we do and trying to bring apprentices (9 currently) to train. We went to Carpenters union a month ago and they gave us a Boston resident. It took 1½ week to get the person and it didn't work out.

**Commissioner Watson:** Are you committed? **Peter (Cheviot):** Absolutely. We just had some workers start, hopefully that will work. We made a commitment to Andrew for a person from Building Pathways that is a Glazier.

**Manny (BRJP Monitor):** I know you added people to your crew and that's good, however, the main concern has been documentation not being provided on time. **Commissioner Cofield:** You said you had to let go a Boston resident. Are you addressing the learning curve factor? **Peter (Cheviot Corp):** We try to address issues while on site, if possible, and call BA to assist in finding solution.

### C. Dudley Branch Library Renovations

Duration: 45 mins.

**Present: John Andrea (CTA), Peter Tremblay (CTA), Raymond Hanley (PJKennedy), Mario Sousa, (Colony Drywall), Michael Winters (Wayne Griffin Electrical), Jim McGaffigan (Public Facilities Dept.), and Claudette Austin (BRJP Monitor).**

#### **Project Review:**

Current overall #'s: 25,427 workhours, 30%BR, 51%POC, 4%F

**Commissioner Watson** noted for the record that Carlyle Engineering was requested to be at this BEC Hearing and did not attend and requested that BRJP follow-up in getting written documentation explaining why. He further stated that the project review today would be handled in two phases. One will address the remaining 45% of construction to avoid fines going forward and discuss available resources. Secondly, a subcommittee will be established to explore 3 non-compliant issues in the report: Failure to attend the Pre-Con, Weekly Payroll and Documentation. What are the practices in place going forward? **Peter Tremblay (CTA):** I was not privy to early conversations, however, we do reach out and notify our subs. **John Andrea (CTA):** We are constantly in touch with the subs. It has been frustrating when the subs don't show up and we're at a crossroad in getting new subs on board for interior finishing. The remaining 45% is a chance to catch up with some of these things. **Commissioner Watson:** Ms. Austin, please focus with new subs on the 3 compliance areas that have been a challenge. John, do you know the rough figure of those coming on and who won bid through public process? **John Andrea (CTA):** 4 are file subs. **Raymond Hanley (PJ Kennedy):** Plumbing work is further along. We had Boston Resident, Person of Color and Boston Resident Female from Local 12 but lost them due to work not being consistent on site. 60% of workhours reported to date are foreman hours (who is not a Boston resident, person of color or female). Pipefitter's have the bulk of work remaining. Building Pathway is something we're open to. **Mario Sousa (Colony Drywall):** In past we had better success employing women tapers. I did reach out. Core crew is 5-6 guys right now who are straight from the hall – taping and carpentry. **Commissioner Cofield:** Trade by Trade? **Mario (Colony Drywall):** Female carpenter – No, we've had better luck employing female tapers. **Commissioner Cofield:** It's a problem if you haven't called for carpenters. **Mario (Colony Drywall):** We had two Boston Resident employees who came to us that we hired and were only there for a few weeks. Drywall and Tapers is the most scope of work. We can try might not be 12%. **Commissioner Watson:** We're holding you accountable but you're not the worse player (based on BRJP history - 18,000/25% BR). **Mario (Colony Drywall):** We thought we were pretty close to the goal. **Commissioner Watson** expressed to CTA that they are being sanctioned for lack of communication. **Mario (Colony Drywall):** We never reached out to carpenter for female but reached out to BA for female taper, that didn't work out (she was only there a short time). **Michael Winters (Wayne Griffin Electric):** Our Human Resources reaches out to schools and community and over the past 5-6 years we have improved our numbers. On this project the challenge is we anticipated a 2-person crew. Given size of project is challenging with electrical 2-person crew. **Commissioner Watson:** No documentation since August 2018 explaining the challenge or outreach. **Mike Winters (Wayne Griffin Electrical):** I was not aware that our company didn't attend Corrective Action Meeting. This is a priority for our company. **Commissioner Broomstein:** 10 months into project - 2 people to do renovation of a large library? No response. **Commissioner Watson:** Carlye Engineering – No Show. 33,000 wkhrs, 15% BR, 18% POC, 8% F – Outside conversation. Colony Drywall – link up with PGTI. PJ Kennedy – PGTI. **John Andrea (CTA):** I was recommended to reach out to Mark Fortune, BA for Sprinkler Fitters. I reached out but no response. **Commissioner Watson:** Send me an email and I will cc Mark.

## Public

**Janet Jones (Boston Jobs Coalition):** I know Councilor Janey is concerned about this project as it's in the heart of the African American Community and has been a disaster from day one. I have not heard that anyone has visited Building Pathways or Youth Build. I have not seen good practice let alone best practice. **Chuck Turner (Boston Jobs Coalition):** The process described in October's BEC meeting was that the role of BEC is to act on sanctions recommended from BRJP staff. Is the call based from BRJP staff? **Commissioner Watson:** Yes. The decision is based on the monitors' recommendations. **Chuck Turner:** Our understanding is that a report would be sent to BEC for sanction recommendation. **Commissioner Watson:** We will have a subcommittee with monitor and legal counsel. The chain of the Sanction process: Monitor, Director of Equity and Inclusion, Celina Barrios-Millner, and Chief of Economic Development, John Barros. **Chuck Turner:** Will there be a report from that process so we as the public can be made aware? **Commissioner Watson:** My sense is, yes, there will be transparency. **Celina Barrios-Millner (Equity and Inclusion Director):** My goal is to have meetings before next BEC hearing and will update in Directors Report. **Commissioner Watson:** BRJP will be in touch with possible sanctions.

#### IV. DIRECTOR'S REPORT:

Duration: 7 mins.

Salesforce update - build-out has begun which includes outreach to stakeholders, GCs, BRJP Monitors and members of the community. There will be outreach to others for input, as well.

The kickoff of the Equity and Inclusion Series was a great success (Celina passed out flyers for upcoming event, Tools of the Trade on February 28, 2019). Commissioner Watson commented that the series is being done in such a thoughtful way and he's impressed and very proud to be working on the Commission with this happening.

Director's report accepted and approved.

**Hearing adjourned at 3:22 pm.**