Boston Employment Commission Hearing Minutes

A monthly hearing of the Boston Employment Commission (BEC) was held virtually on Zoom, December 16, 2020.

Commissioners Present: Commissioner Travis Watson, Commissioner Kenell Broomstein, Commissioner Stephanie Everett, Commissioner Carlos Espinoza-Toro, Commissioner Aisha Francis and Commissioner JocCole "JC" Burton

Hearing Begins: 1:07 PM

Commissioner Watson acknowledged Sheryce Hearns moving on to work with Dellbrook and the work she did with the City of Boston.

I. MINUTES

Held off until we achieved quorum - November 18, 2020 minutes accepted and approved (Page 2).

II. SPECIAL PRESENTATION

A. 7 lnk Duration 22 mins.

Present: Ted Tye (National Development), Adam Parker (Cranshaw Construction), Charles Viola (National Development) and Takara Hamilton (BPDA Monitor)

Commissioner Watson discloses that National Development is on his employer's (MHIC) Board of Directors and because there will be no vote, it's not necessary for him to recuse himself.

Project Overview: Commissioner Watson: Please address BRJP goals and how you plan to meet them. Ted Tye (National Development): 7 Ink is located in the former Boston Herald Newspaper and is Boston's first Co-living Bldg. 14 stories, 180 units (90 studio and 1 BR/ 90 multi-BR. Affordable units (46 BRs) are provided on-site. Coliving is more moderately priced and rent by bedroom. Residents share common areas. Café, Large Great Room and Social space, Outdoor space is enhanced w/COVID Public Health concerns in mind. Old Scoreboard from Boston Garden to be placed in the Lobby. Construction Schedule – Mid project/Toppingoff December 2020. March/April/May delayed construction due to COVID impact. Completion 2/2022. Adam Parker (Cranshaw Construction): Subcontract Award – 3 remaining trades to be awarded (WBEs) - Frontline Inc, Boss Steel and Willco Sales. Workforce Diversity - 100% Union. Working with local unions. Onsite App Box and Community Outreach. BRJP goals - 21%BR, 29%POC and 12%F (numbers increased since submitted to the BEC). Commissioner **Burton:** Woman owned subs highlighted. Appreciate you exceeding women goals. Are any minority owned? Answer: No. Commissioner Burton: Will goals be achieved? Takara Hamilton (BPDA Monitor): We are on the right path. 7 Ink only one to meet 12%F (when they started it was 3.9%). I've seen increase – subcontractors very responsive – reach out to BAs. Have 1 year and some months left to increase - perhaps get 30 – 35% Boston Residents. Commissioner Burton: Is 30% a stretch? Takara: We're going to try to get as far as we can. Frontline and Aldon Electric putting in a lot of hours. They do have Boston Residents working for them. Some BR's tested COVID positive. Adam: Onsite applications - open shop mixed union/non-union. Commissioner Watson: Are we misleading residents, if project is 100% union? What's your method of collecting applications? Adam: It is difficult on a 100% union project. There is a long apprenticeship program and we are working with Takara and Building Pathways to try and place people with appropriate contractor. Commissioner Watson: I'd like to figure out a way to be more intentional so people will be aware and informed on a path to a construction career. As a firm, are you looking at past performances of contractors? Did you make decisions based on that? Adam: Yes, it is pertinent to our decision when awarding contracts. Takara: Adam and I do talk before he awards a bid and I'm able to give him a history on subcontractors considered. We have a lot of good subcontractors on this project who are dedicated to a diverse workforce.

Public: Barry Keady (Plumbers/Local 12) – It's a little easier to meet goals because it's a union job. We have Boston Residents available (all the trades have Boston Residents available). A simple call to the hall can increase your numbers. In regards to the Job Application Box, people can self-solicit (most halls are not referral). Example: An out of work plumber who is union can apply without going through the hall. Janet Jones (Dorchester, Roxbury Community): Over the course of my advocating for workers, I want to be sure we don't repeat the issues that Cranshaw had with an older project, but a better one was the Marriott Hotel in Roxbury. If you can keep up the good work on this one, I'm all for it. Adam: Will do! Commissioner Broomstein: Did Mary Vogel's question get answered? She wanted Takara's information for Building Pathways. Answer: Yes. Mukiya Baker-Gomes: Which trade fields are minority and women trade businesses? Commissioner Watson: We addressed that earlier and can provide you the information after the meeting. Before we go further, we have quorum. Let's do the minutes. Any comments pertaining to prior months? Answer: No. (Motioned by Commissioner Broomstein, 2nd by Commissioner Francis). November 18, 2020 minutes accepted and approved. Commissioner Watson abstained.

B. 144 Addison Street Apartments

Present: Jonathan Bonaccorsi (Dellbrook JKS), Debbie Skinner (Dellbrook JKS), Joshua Levene (Dellbrook JKS), Molly Kelly (Redgate Real Estate) and Stacey Watson (BPDA Monitor)

Duration: 20 mins

Project Overview:

Commissioner Watson: Please address understanding of BRJP goals and any anticipated challenges. Joshua Levene (Dellbrook): presented powerpoint of the description details for construction project located in East Boston, 2 Building project (North and South bldgs.). Workforce Diversity: Sheryce Hearns, new to Dellbrook has diversity plan and will forward to Kim Odom, BEC Coordinator. Commissioner Burton: Does Sheryce have the Boston resident numbers? Joshua Levene (Dellbrook): Yes, Sheryce will circulate that information. Commissioner Burton: What is the current status of the Construction Schedule? Joshua Levene (Dellbrook): Wood Framing (4th Fl. South Bldg, 2nd Fl North Bldg), Foundation and Structural Steel complete. **Commissioner** Burton: Would you say 60% spent? Joshua: More like 35 – 40%. Jonathan Bonaccorsi (Dellbrook): From a financial standpoint, 28% and schedule wise, 20%. We were looking to utilize Salesforce for reporting, but I don't think Salesforce is going as well as planned. Stacey Watson (BPDA Monitor): Salesforce is not working well. Michael O'Shae and Jeff Ing in IT are working on the problem. Unfortunately, we are not able to print out important reports. Commissioner Burton: Anything else you can add? Jonathan: Dellbrook is an Open Shop construction management company, however we have a hybrid of open shop and union on this project - Amps Electric - Local 103, Universal Drywall - Union, Lawless - Open Shop Framer. There is a union carpenter erecting one of the buildings, Building Envelope Systems is providing structural steel and install is Ajex/Local 7. Commissioner Watson: Is TCT Roofing, Building Envelope Systems and Middlesex Glass MBEs? Joshua: TCT Roofing and Building Envelope Systems is. I need to confirm Middlesex Glass.

Public:

Mukiya Baker-Gomes: How are contractors preparing to meet workforce and M/WBEs goals? What level of work are W/MBEs at - 1st, 2nd 3rd tier and of the subs, how many are using subs and are any of them M/WBEs? What percentage of work will M/WBEs have? Have you looked at prior history of the subcontractors on public jobs requiring workforce and W/MBE compliance standards? If you're at 35/40% completion, how will you achieve the goals, particularly since you incorporated open shop/union? Which union shop trades do you have agreements with? Jonathan: Prior performance is looked at. Most of the subcontractors like First Nick Painting we have relationships with - Local Union contractors - Amps Electric on for duration of job. I don't have report for BR/POC/F. We do have some women on the job. We will follow-up on MBEs and WBEs. 1st Tier subcontractors are listed. Will follow-up on 2nd/3rd tier. Framers for Lawless are probably MBE. Union – Amps Electric (local 103), Universal Dry Wall - Carpenter - Medal framing and drywall, Lawless - wood framing, Building Envelopes hired Ajex (Local 7 Union Ironworker) to erect the building. Mukiya: Of those union participants have you looked at their workforce performance with minorities and women from their trades? Jonathan: There's a lot of things that factor in when we work with the owner on past performance. I can't give you their data from previous projects. Mukiya: I heard you say you were having a problem with the city's recruitment source. Given open shop opportunities, is there opportunity for people of color or women to be brought on as apprentices or trainees? Jonathan: We have job application on-site. We review and pass along to contractors. We don't hire labor, we outsource. The issue is with reporting on Salesforce not with recruitment for workforce. Mukiya: In regards to

management, are there any people of color or women? **Jonathan:** No, not right now. We have women in administration and accounting but not in the field or in project management. **Commissioner Watson:** Sheryce Hearns, former Deputy Director of Equity and Inclusion for the City of Boston has recently moved over to Dellbrook and we hope that her expertise will add value to their workforce diversity approach. **Jonathan:** Sheryce is involved and we have met with her bi-weekly since she started.

Public:

Mukiya: It's not acceptable for any construction management team not to have diversity across the board.

Comment from Chat: Suggestion was made for LCP Tracker to report workforce.

Aaron Hallquist (BPDA): Salesforce is being implemented on this. LCP Tracker is not an option. **Stacey**: We lost our Salesforce person and we're working on that. The next project being presented is on Salesforce as well and will have issues. **Commissioner Watson**: that's helpful information. Thank you.

Duration: 30 mins

C. 457 West Broadway

Present: Jim Heffernan (Navem Partners), Michael Moore (Brenco Construction) and Stacey Watson (BPDA Monitor)

Project Overview:

Commissioner Watson: Please address BRJP goals and how you plan to meet them. Michael Moore (Brenco **Construction):** Just started wood framing. On schedule to complete the end of next year (2021). Workforce diversity – 1st large project subject to BPDA requirements. In general, Boston residents is not a problem. We have Boston residents on staff. Our difficulty is in relation to MBEs and WBEs. Stacey has been great in helping us to meet our goals. Learning as we go. Commissioner Francis: Is it that your so close to the beginning and the situation with Salesforce? Michael: Correct. We are doing our own tracking, but no percentage numbers. Commissioner Francis: What approach are you taking to meet MBE and WBE goals? Michael: We have close to 50% Boston residents. Trades are further out. Commissioner Francis: You anticipate 51% Boston residents? Michael: Yes. We self-perform and have significant Boston residents. Commissioner Everett: Re: Salesforce, we have a commitment to the city on equity and inclusion and I'm not interested if a new system is not working. When you are struggling, it's important to be pro-active before a project is at 60% and it's too late to address. Noncommunication defeats the partnership and creates more excuses. Stacey: This a special presentation and at the beginning. Commissioner Everett: I have to get off the call and wanted to reiterate that concern which is too often the case with projects that have come before the BEC. I will address further concerns with Commissioner Watson. Commissioner Watson: We must include the BRJP Administration. I want to get a better sense, outside of money, how projects are being awarded. The City shouldn't be giving large projects to contractors that don't know how to hire black and brown people. The level of implementation expressed in this presentation is a red flag. I share Commissioner Everett's thoughts around tracking and recommend using the old system to track for now. As I mentioned earlier, the average net worth of white households is \$270,000 and the average net worth of black households is \$0. Stacey: This is a private project and we cannot tell the developer who they can and cannot hire. Mukiya: That's not the point! Commissioner Burton: I echo Commissioner Watson and Everett. This is disheartening and shows a disconnection. I appreciate expression of challenges. COVID has impacted the workforce and this job can be a pathway. What's the completion percentage? Michael: Under 20% complete. Also, I want to point out that we are good on people of color. It's females where the challenge is. However, that doesn't mean we won't meet that challenge and that we won't try. Stacey: 144 Addison Street Apartments project asked for contractor history and I can do the same for 457 Broadway. Commissioner Watson: Jim to what degree was Brenco's past performance with BR/POC/F considered? Jim: It's a unique situation - Brenco is part owner through permitting. Navem is co-partner and there's a 3rd partner - Minority owned (Eagle Eye – Indian-American - Boston/South Carolina based. They brought project to us. **Commissioner Watson:** Has BRJP come up in meetings? Jim: Michael and I talked about it in the past. I believe strongly with all said today. How we fix the system is above my pay grade as well and I realize it's the responsibility of us all (developers, owners and contractors). Commissioner Watson: I've been meeting with other developers sharing your sentiments. Would like to connect you. Commissioner Burton: There are lots of questions in the chat. Mukiya: Glad to hear gentlemen talk about commitments. Do you have women and/or minorities in management and any W/MBE Engineer/Architect Firm? Michael: Jessica Waszkiewicz – Asst. Project Manager. We're new to this process and

those awards would have been awarded prior. **Mukiya**; Did you find any that did not qualify? **Answer**: No. **Mukiya**: Everyone got considered. **Answer**: Yes. **Mukiya**: % complete so far – what's projected workforce needs by trade? **Michael**: 20% - drilling in on MEP trades. Next meeting we will have more information to share. **Mukiya**: I recommend you look at unions who help meet the goals - Iron Workers, Carpenters, Electricians (EO = No Compliance). **Commissioner Watson**: Suggest you connect off-line. **Mukiya**: I'd like to recommend you consult with Black Economic Justice Institute (BEJI) around workforce diversity needs.

Public:

Janet – Who's living in this building? If you're not hiring people, who will live there? **Michael:** It's not true what you are saying. Condo units (44). 6 affordable. **Janet:** 6 affordable, that's poor! Bowdown/Geneva is hurting. Think about it before taking on another project!

Commissioner Watson: Salesforce is not able to get us data needed. I ask that we quickly rectify. Stacey: Will not put new projects on Salesforce going forward and will put on old system. Commissioner Watson: I know how hard you guys work and understand glitches with new systems. I'm big on transparent government. Celina: We have Michael O'Shae (CIO BPDA) on the line. Michael: Good afternoon, I'm meeting at 2:45 today with Salesforce for proposed solution on reporting data. It is clear report is not providing in same format you need. I should be prepared for next meeting. In the meantime, if you have any questions feel free to ask. Mukiya: Do you all understand the potential of recruitment in relation to the pandemic? What creative steps are being used to identify those people? The city could use the States unemployment office and develop a comprehensive database. It would show peoples qualifications. This Salesforce App is not working. Based on businesses using App, what is the success rate? Commissioner Watson: These are good questions, but if Salesforce specific, we will move to end of the meeting to allow project specific to move forward. **Priscilla:** Keep hearing about salesforce. It's not working. It's a recurring conversation that's frustrating and discouraging. There must be some changes. Commissioner Watson: Yes, to what you said. Janet: I second Priscilla's comment. Jim: Commissioner Watson, I'd like to follow-up with you on the connection you spoke of. Commissioner Watson: Kim will follow-up via email. Comment in Chat: Mary Vogel (Exec Director, Building Pathways) shares information on tracking and owner/developer/gc responsibility to track numbers (recommend Finishing the Job Best Practices by PGTI). In addition, it's important to clarify the difference between W/MBEs and Workforce participation goals at the beginning of meetings as they are two separate issues. W/MBEs are not BRJP requirement goals.

III. PROJECT REVIEWS

A. Parcel G at Northpoint

Present: Karen Blessington (JMA), Bill Wilbur (JMA), Nicole LaBossiere (Divco West Real Estate) and Pamela Ruffo (BRJP Monitor)

Duration: 27 mins.

Project Overview: 110,429wkhrs, 38%BR, 51%POC, 10%F

Pamela Ruffo (BRJP Monitor): Correction to numbers submitted. The overall number of work hours increased by 91,501 hours (from 18,928 to 110,429)The number of workers increased by 356 workers (from 137 to 493) Boston Residents performance increased by 9% (from 29% to 38%) People of Color performance increased by 6% (from 45% to 51%) Female performance increased 6% (from 4% to 10%) – 80% Resident Verification. BRJP Recommendations to JMA: Reinforce to all the subcontractors that they are expected to continue to retain as many Residents, POC & Females as they decrease their crews as the project scales down for completion of May 2021. Work with the subcontractors to establish a better internal resident verification system to assist in verifying the Boston Residents easier & quicker from project to project. Commissioner Watson: Appreciate level of detail. MBE participation outstanding going above and beyond. BRJP doesn't track MBE/WBE participation, but it is good to see it. I'm interested in JMA's contract included in this packet - this could be a model with other GCs. The Bricklayers letter from the union states to the best of their knowledge there are no Boston resident Waterproofers available. This is not sufficient. We need a letter from someone who knows – I would like data informed union participation. This reads like a white guy writing about not being able to find black/brown people or women. Julie Hemingway - did she work out long-term on this job? Karen Blessington (JMA): What letter (Beacon)? Commissioner Watson: Recycled letters that are meaningless. Karen: This job has done well for the most part. Commissioner Burton: The letter has Bricklayers, Beacon/Allied Masons Local 3 at the top. Karen: Bricklayers did pretty good on this job (54%BR, 34%POC). It was female participation that was the issue.

Commissioner Watson: This confirms the unions are just sending a form letter and not really giving attention to the requests. My frustration is not with you Karen. Commissioner Burton: In contrast, a letter from American Plumbing explains Daycare, COVID — women staying home to care for children. Karen: Salvucci — last page. I now what you're saying. We are strict about paperwork. When we receive something from the hall it's done.

Commissioner Watson: I don't want to belabor the point. Commissioner Espinoza-Toro: What are the steps going forward? Karen: at 38% BR we're doing our very best to keep residents on the project. We have 117,000 work hours. This is under the old ordinance and we are at 52% (2% above what's expected). Commissioner Espinoza-Toro: In terms of being pro-active, what are next steps and how can we help? Karen: We continue to work with our contractors on a weekly basis. COVID is a huge issue right now. Commissioner Watson: Karen, our New Commissioners could benefit from your process/best practices as a GC. We know JMA does a good job.

Karen: If subcontractors lack a Boston resident, in that trade, we ask them to reach out. It's everyone working together to get these trades built up. Look at the amount of hours - 30% is pretty good. We are pro-active from start of the job. We know the trades that have challenges with females (Masonry). In terms of how you could help, the Commission could call the unions to the meetings.

Public:

Mary Malazek: There's always been a problem with government asking unions for diversity numbers. Can't contractors insist on asking for overall numbers in order to award a contract? That would give the private sector a lot of power. Commissioner Watson: Absolutely, the private sector could ask for the information. I recently spoke before the City Council and spoke to this issue. They were surprised that unions don't share these numbers and were interested in working with the Boston Building Trades to get that information. Mukiya – I want to give this GC a standing ovation for the principled steps they have used in thinking out of the box to leverage with their subcontractors. The BEC should use them as a model. It might be your handbook for other GCs. Commissioner Watson: Agreed, JMA is very efficient. Karen: In reference to the conversation on tracking earlier, we track our own hours weekly (It's our Bible) so we know who's been working and who's not. This reassures we're on the same page with the City's stats (gives example of an incorrect reporting situation).

B. One Congress Street

Present: Josh Billings (HYM Investments), Karen Blessington (JMA), Finn O'Sullivan (JMA), Carlos Pinhancos (J Derenzo) and Pamela Ruffo (BRJP Monitor)

Duration: 30 mins.

Project Overview: 97,699 wkhrs, 30%BR, 45%POC, 7%F

Pamela Ruffo (BRJP Monitor): Correction on project description. Project is 25% Complete. Resident verification submitted is higher than 60%. BRJP recommendations to JMA: Work with the subcontractors to establish a better internal resident verification system to assist in verifying the Boston Residents easier & quicker from project to project. J. Derenzo is the 6th largest subcontractor onsite with low workforce participation for Resident 12% & POC 18%. After repeated attempts from JMA for them to address their workforce. JMA has requested they attend the BEC. Commissioner Watson: Are they here? Pam: Yes. Commissioner Watson: While recognizing JMA as a dream team, I wanted to recognize the developer for your commitment to racial and gender opportunities. You've done very well with diversity, even in your core staffs' leadership positions. Tom O'Brien (HYM Investment): We take this issue seriously. It's personal to me. The leadership of our company said we're not hiring another person until we hire a person of color and that attitude changed us and our approach. We have 50%F and 30%POC. We do need to improve on our leadership team's diversity. We treasure our relationship with JMA (Karen/Finn) and appreciate they care as deeply as we do. Commissioner Watson: Pile Drivers – Local 56 (BFE) letter states that they make every effort to recruit and foster a diverse workforce and if there are questions to please ask. I have questions and wasn't sure how to facilitate them. I will put them in a letter and cc JMA. 1. How many black members does Local 56 have? 2. What percentage of membership are people of color? 3. What are your efforts in your initiatives to focus on women and men? 4. How many black members have been recruited this year and prior years. 5. How many black members have been recruited, retained, and given hours of apprenticeship towards graduation? Finn O'Sullivan (JMA): At the last BEC we had a lengthy conversation on this issue with Commissioner Cofield. You have to add the 53%/21% together. A lot of folks want to move on to carpentry, slurry work is more intense. Pile Drivers are a division of carpenters. We should follow-up with Commissioner Cofield. Please send your questions in writing and we will get the union to answer those specific questions. Commissioner Watson: If you can do that, it would be great! I'm confident Local 56 is not well

represented by black and brown (2-3% at best). I recently spoke with Elizabeth Skidmore (Carpenters Union), who explained that Carpenters are 5th/6th on list for apprentices (people of color). I re-emphasize my earlier point, we need data. The efforts to recruit and retain black/brown people is not great. It's racially tone deaf. This is a \$408M project. As I stated earlier, the median wealth of white households is \$270,000 and \$0 for black households. Historically, Construction Union jobs has been good paying jobs, however they have not been available to everyone, particularly blacks. I look forward to hearing from Mr. Barris. Finn, I will cc the Carpenters Union on that as well. We have a representative from J. Derenzo. I've read the Corrective Action letter from Derenzo addressing the low performance with Boston residents and People of Color (12%R/18%POC). Over 5 years you've had 300,000 workhours. On the New Balance Sports Complex project you showed slight improvement. What's the challenges? Carlos Pinhancos: A few challenges this year – COVID a big factor. Female numbers slips as a result. We also lost core guys (minorities) to retirement. We are taking a different approach in the upcoming year to improve by sponsoring minorities into the unions. Creating a Sponsorship Program for Apprenticeship to Journeyman. Our trade is heavy set and specific on Utilities. Scope numbers changed dramatically. Most Utility are set crews and we don't mix people from the hall. We are trying to stage that differently with more minorities and females moving forward in the upcoming year. Commissioner Watson: Some of this is a trend over 5 years. I'd like to hear your approach for numbers your targeting and where you're looking to recruit. Perhaps there's a way BRJP/BEC can assist with recommendation of resources. Carlos: I recently came into this position (Director of Operations) in the last year. I will be reaching out to agencies including Building Pathways and start mentoring kids coming out of high schools so we can build a core crew as not to depend on halls. Commissioner Burton: What's your timeline in reporting out your plan? Carlos: I will have a plan and numbers by Spring (busy season). I've been working on a plan the past 3 months and will share with the group when it's completed. Jordana Monteiro (Program Director for Building Pathways) gave email for Carlos to reach out to. **Commissioner Watson:** When will this project come back? **Pam:** When it reaches 50% (depending on the ebb and flow of the scope of work). Commissioner Watson: I know Treviicos is off the project, but can you give context to their low performance - 13%BR, 3%F and 39 workers. Pam: A few years ago, Anthony spoke on another project at the BEC. They work very hard at achieving the goals. The hurdle is with union halls availability and retention, as their specialty is Slurry walls. They had a person who they worked with for 4 years apprentice/journeyman (Parcel M1 & M2) and was removed by Business Agent to work on another job. Commissioner Watson: I reiterate the need for data. Equipment Operators and Slurry wall folk need to rethink how they're recruiting and retaining black and brown residents. You have to diversify your team to diversify your team. Are there any Salesforce questions, at this time?

Public:

Mary Malazek: People can use Excel to track and Salesforce can export reports into Excel. Janet Jones: Moriarty is starting on Dot Block. I'm eager to learn about that project and excited JMA is the GC on this. I believe Stacey Watson (BPDA) is going to be the City's oversight on that project. They are clearing the lot and beginning construction. We hope to have a set of local meetings and need some connection with JMA. Commissioner Watson: We will help facilitate an email between you, Karen Blessington (JMA) or Kate Blessington (JMA).

Duration: 10 mins.

IV. DIRECTOR'S REPORT:

Celina Barrios-Millner (Equity and Inclusion Director):

Held first virtual career fair last night. New Outreach strategy. City Hall project (Union shops). Shared screenshot of Remo Virtual Platform. 15 union, 28 reps, 5 partners. BP/PGTI/NCTE. Plan to do another in the Spring in collaboration with Shawmut Construction. Building Trades. Build a Brighter Future – One Stop Shop. Making efforts to diversify and open up their ranks. Help funnel them to BRJP Jobs Bank Coordinator, Janine McLaren (Only able to do open shop). City of Boston rolled back re-opening phase. Phase II - Business closing down - 3 – 6 weeks. Make sure you're observing public health guidelines – there's a big spike. Stay safe this holiday season. We're looking to work with BPDA concerning Salesforce. Director's Report approved and accepted (motioned and 2nd – Commissioners Burton and Broomstein). November's Director's Report had not been accepted and approved during November's BEC for lack of quorum and is still pending approval.

Commissioner Cofield doing well after knee surgery.

Meeting adjourned: 3:42