

# Boston Employment Commission Hearing Minutes

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A monthly hearing of the Boston Employment Commission (**BEC**) was held virtually on Zoom, May 19, 2021.

**Commissioners Present: Commissioner Travis Watson, Commissioner Kenell Broomstein, Commissioner Carlos Espinoza-Toro, Commissioner Charles Cofield, Commissioner JocCole "JC" Burton and Commissioner Aisha Francis.**

**Hearing Begins: 1:03 PM**

## **I. MINUTES**

April 21, 2021, minutes were not approved for lack of quorum and will be approved during the June 16, 2021, meeting.

## **II. SPECIAL PRESENTATIONS**

### **A. BRJP Jobs Bank**

**Duration 27 mins.**

**Janine McLaren, BRJP Job's Bank Coordinator**

**Reviews the role of the Job's Bank:**

- The jobs Bank was created to allow Boston residents, people of color and women an avenue to the middle class. The avenue is access to well-paying jobs that provide housing security, benefits such as health care, educational opportunities, retirement options, pensions, etc. The Jobs Bank held 2 Opportunity Fairs in the past 5 months: December 2020 and April 2021
- The goal is to hold 3 to 4 Career and Opportunity Fairs annually each with a specific focus. December OF had a union and apprenticeship focus. April OF had a non-union (laborer) focus concentrating on open shop contractors. Fall OF will focus on training and educational opportunities i.e., BFIT, Building Pathways & MT2T.
- My plan is for the Jobs Bank to become a repository of information on the construction industry. Information i.e. jobs, training and educational opportunities, which unions are accepting applications and when, the required documentation and contact information with name, email address, phone # and mailing addresses.
- Our Career and Opportunity Fairs have been virtual using the REMO platform and have been very successful.
- At our December COF 18 contractors and subs attended along with our resource partners and over 60 participants registered to attend. In April, 29 contractors and subs attended (nearly 2x) along with our resource partners and 83 participants registered to attend.
- All candidates to the Jobs Bank are contacted w/i 24 hours of registering.
- The City of Boston Jobs Bank is a resource for acquiring talented and qualified candidates that may allow your business to meet the BRJP goals as well as demonstrate your company's good faith efforts to comply with the ordinance.
- The Jobs Bank is committed to helping all interested parties reach these goals through continued outreach and working closely with our stakeholders and community partners.

**Commissioner Watson:** Thanked Janine for her work to make the Job's Bank a repository resource and asked about her ability to track candidates hired. Janine expressed that that the software doesn't allow her to do that, but she has her own system of trying to track to the extent that she can. **Commissioner Burton** asked how the BEC could help with additional resources and if LCP tracking is a resource that's used. **Janine** expressed that she needed help in marketing the Job's Bank and tries to do that through social media and wasn't sure how the BEC could

assist in marketing. LCP tracker is not being used. **Commissioner Francis:** Would it be helpful for people to suggest other community partners? Janine, yes. I did do a search of community organization in Boston and did outreach, but I believe due to COVID, perhaps there's no one manning the emails and I haven't gotten much response. **Barry Keady from Local 12 Plumbers Union** extended his assistance and left his contact information. **Mukiya Baker-Gomez from BEJI (Black Economic Justice Institute)** expressed her concern that candidates aren't being tracked and questioned depending on the contractors that hire to honor compliance in reporting their hires. There was also concern that BEJI and other community partners, i.e., NAACP, MassVote, Urban League and BJC (**WaWa from Boston Jobs Coalition** asked they be added) weren't mentioned among the Job's Banks Community Partners outreach. Mukiya asked if the Job's Bank outreach looked at the number of unemployed people through the Mass. Dept of Unemployment. Janine will add the community partners mentioned to her outreach going forward. **Celina Barrios-Millner (Chief of Equity and Inclusion)** affirmed that workers are monitored and reported through payroll.

## B. 26 Court Street Demolition

Duration 32 mins.

**Present: Gregory Rideout (PFD), Tyler Bearse (J&J Contractors), Susan Goldman (J&J Contractors) and Manuel Barbosa (BRJP Monitor)**

### Project Overview:

**Gregory Rideout (PFD):** This is a 4-phase project – floors 1 – 11.

Phase 2 Schedule (\$3M Value / 4 – 5 months):

- Tentative Start Date is 3<sup>rd</sup> Week of May 2021
- Substantial Completion will be after 120 days from starting of the project.
- Final Completion will be after 150 days from starting of the project.

J&J is union (MBE), American Environmental (MBE) and file subcontractors are all union. There is a challenge in getting numbers for Boston residents. **Commissioner Watson:** Kudos to the city for outreach to secure contract with Black-owned firms (MBEs). I'd like to learn more about PFD's procurement process. **Commissioner Cofield:** Is J&J self-performing? **Tyler:** Very little. Drywall in-fills (floors 2-11), 1 door hung, fire caulking random spots. This is strictly demolition to make safe for next phase. **Commissioner Cofield:** I'd like to find out more about J&J's minority status. I wasn't aware they were MBE. Please get my information from Manny. **Commissioner Espinoza-Toro:** Congrats on the good data for J&J/American Environmental on People of Color. The data for the 2 subs CDS Electrical and Excel HVAC from 2016 – 2020 shows no record of female participation in workforce or contractors. Can you speak to that? **Tyler:** It's something a lot of firms struggle with. There's not a lot of females in the construction trade. The unions have the best training programs. We are signatory with laborers and carpenters union. They have been giving us the female participation. **Commissioner Broomstein:** Are you referring to CDS Electrical with Mike Ye? **Tyler:** Yes, he's, my contact. **Commissioner Broomstein:** I don't like the phrase, "there's not a lot of women in construction". There are women apprentices in construction, they just need to be put to work. **Susan Goldman (J&J Contractors):** We discuss going to the unions with all the contractors during BRJP pre-con meetings and filling out workforce projections. We outreach to Janine and utilize Job Fairs to help meet goals. **Commissioner Cofield:** There's a pipeline of 700 women in all trades. It appears you're not going to the right place to seek the help you need. **Gregory Rideout:** From the PFD perspective – I have seen females from Local 103 brought on to our city projects. J&J can follow-up with CDS Electrical. **Commissioner Burton:** I echo Commissioner Broomstein and I too was confused by Tyler's comment. What is J&J's plan moving forward to address female participation? **Susan:** Moving forward the hope is that we will go to the unions and will work with our subcontractors to go to the proper places. I send emails to subs that aren't in compliance. I make phone calls in follow-up when there is no response to email. **Manuel Barbosa (BRJP Monitor):** Susan brings up a good point and it gives me some comfort of her proactive approach in asking to see workforce projections before mobilization on site. **Mukiya:** When you have pre-con meetings with the contractors, do you ask for previous history on other projects compliance history (Workforce/MWBEs)? 1<sup>st</sup>, 2<sup>nd</sup> 3<sup>rd</sup> tier subs. As a primary contractor, I would think you would be identifying resources before confirmed as a subcontractor. Technical Assistance should be in relationship to their past performance. **Kerrie Griffin (PFD Manager):** We follow the states/Attorney General's guidelines for Chapter 149 statute (responsibility, eligibility and lowest bidder), with exception of demolition contractor, J&J has no control over the subfile bid contractors. PFD is actively working with our partners in Economic Development and Equity and Inclusion to improve the process prior to putting out to bid. J&J has been an excellent partner with

PFD (Adams Street Branch Library and the Engagement Center). **Mukiya:** suggested this should follow the public construction law which DECAMM adheres to (Award of Primes and Subs) **Commissioner Watson:** This is a policy/legislative issue and the language should include past performance as a qualifier, but unfortunately, the language is grey and provides a loophole for contractors not to comply. **Janet (Roxbury Labor Committee):** Nonunion projects is difficult to find females. We had a relatively small job on Bowdoin St. that had a female of color (laborer). So, it can be done, it just takes work. **Commissioner Watson:** Some people really value the process and others don't. **Barry Keady (Local 12 Plumbers):** Who is the plumbing contractor? **Tyler:** PJ Dionne is. **Barry:** They are one of our union contractors – anything we can do to help we are here. We have an incoming class of apprentices starting in 2 weeks (20% are female). **Mary Malaszek:** A template of the categories would be helpful. **Commissioner Watson:** On special presentations we do not have that information, but on the project reviews that information is provided. **Linda Shaughnessy:** Tracking of apprentices? **Christopher Brown:** We do track the apprentice numbers which mirrors the same ordinance numbers for 51%BR, 40%POC and 12%Females. Unfortunately, the current database platform, Access does not allow us to track apprentices, but the new database, Salesforce we are hoping will allow us to do that.

### III. PROJECT REVIEWS

#### A. 7140 Boston City Hall Project

Duration: 42 mins.

Present: **Robert “Bob” Joubert (Shawmut Construction), Samantha Glatfelter (Shawmut Construction), Kerrie Griffin (PFD) and Pamela Ruffo (BRJP Monitor)**

#### Project Overview:

**38,945 wkhrs, 290 workers, 29%BR, 37%POC, 10%F**

#### Pam reviews:

- Request a meeting between the following subcontractors S&F Concrete & Starlite Construction and the Carpenters Business Agent to put together a plan to place Resident/Females on this project.
- Create a better payroll submission system & resident verification tracking system to reach the BRJP goals.
- Remain focused on the non-union subcontractor's workforce participation; make sure they are in contact with our Job's Bank Coordinator for any assistance in making job placements on this project or any other projects they are working on in the city.
- 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.

**Commissioner Watson:** The renovation of city hall of all projects, should be honoring its own ordinance. I know of Shawmut's reputation embracing the policy enough that they are trying. So, either the situation is that some companies aren't ready to hire workers to the meet the goals or the workforce isn't available to meet the goals. There are conscious choices that companies make to the under representation on these projects, and until compliance is enforced, we will continue this repeat cycle of failure to meet goals. It hampers this commission's ability and makes us look ridiculous. This is the one project we should be higher in numbers and this project is below the floor. However, the good news is with the project at 25%, there should be opportunity for improvement. Is there a concrete plan to get the city hall project in line with its own ordinance? Is compliance a reality at this point particularly around the residents? **Samantha Glatfelter (Shawmut)** - As the compliance officer for Shawmut, I handle full compliance of the BRJP. The BU Dental project will be coming to a close and we have a lot of Boston residents and people of color coming from that job to assist in meeting these numbers on this project. **Bob Joubert: (Shawmut, Sr. Project Mgr.)** We do take this seriously and look at the numbers weekly with PX (Mark Monk), EVP (Kevin Sullivan) who have made phone calls to the subcontractors to stress that they have to do better with these numbers especially because it's at City Hall. Local 4 has had trouble filling Welch's needs. I'm looking at 20 more trades coming on. I'd like to be optimistic and think we can do more as finished trades will provide opportunities. **Commissioner Watson:** Welch (17%BR), Atlas (17%BR) and S&F (26%BR) are driving down the numbers (repeat pattern). Past performance should be taken into consideration, and I don't see that done in this case. These repeat offenders are continuously rewarded for non-compliance. It's frustrating and disrespectful to companies that can do the job better and have. **Commissioner Burton:** Shawmut looks at these numbers

weekly, does a good amount of work in this region and I'm confused about the inability to reach these goals. What are the practical means of outreach to find resources? **Samantha:** I have eyes on the ground that report the crew onsite and when there's a problem it is addressed (gave example). There is leverage to withhold payment or to restrict from coming back on site until in compliance. Met with Business Agent. Local 4 has a specific piece of equipment which requires a licensed person to work. Met with Mike Bose on how to increase. **Commissioner Watson:** It's interesting how that seems to happen to Black people and women. **Commissioner Espinoza-Toro:** S&F has very low number from 2016 – 2020 and if you have this information previously, you should be making a better choice. If you need data about who's doing well and who's not, come to BRJP or me. I'm keeping the record on this with the help of the BPDA. **Bob Joubert:** I welcome that information to recognize strong players out of the 20 trades coming on during kickoff meetings. **Commissioner Burton:** I would think this is something that you are tracking already and would encourage your compliance officer to do that, perhaps she's understaffed. **Pam:** Bob, we do have GC's that reach out prior to bid. Everyone has been bought out on this project? **Bob:** Yes. I will connect with Samantha to get that data. **Pam:** Going forward that is recommended to be a practice with Shawmut in the estimating process. **Commissioner Watson:** This is beyond disappointing. **Commissioner Burton:** Need to provide bought out list. **Pam:** That has been provided and I will resend. **Commissioner Burton:** Also, looking for the past performance of subs bought out. **Celina:** Pam/Kim can you help pull that together for the Commissioners with the Contractor History for the subs bought out? **Commissioner Watson:** As chair of this commission, I'm uncomfortable that this project on paper is in compliance, and they are not. The language should be re-worded. I can't approve minutes. Compliance means you are hiring according to the Boston Jobs Policy and you're far from it. **Katrina Conrad:** Is there a way to invite Local 4 to gain better understanding of resident recruitment. This remains a mystery. **Commissioner Watson:** Yes, that's a good suggestion. **Mukiya:** There is no more visible project. This is an ordinance that both the former Mayor and acting Mayor is supportive of. Do you think the people of the City of Boston are not going to raise concerns? It puts the BEC in a very tenuous position. People like myself are not going to allow this to happen. Linda Shaughnessy was the person on the UMass project that made sure every contractor that the state had was in compliance. What's the time frame for you to be in compliance with the City's workforce goals? **Bob:** Project is going through transition right now, turn around is June of this year through December - subcontractors will be coming on for finishing work. Female and persons of color numbers will be met but the residents is more a challenge and we will work on that. **Commissioner Burton:** Are you saying you are committed to meet that? **Bob:** We are committed to the BRJP and I don't want to be misleading to say we can meet all those categories in full compliance. We have heard all that has been said and we are going to work on these concerns. **Commissioner Cofield:** The main part of the pressure needs to go to the people supplying the manpower, BAs – operators (S&F) -at UMass (Linda Shaughnessy) pressure was put on them and they came in compliance. There is an eligible pool list and no reason why these numbers can't be met. It's excuses at this point. This is City Hall. It can be done and should be done. We cannot accept these excuses that there's no one available. **Mary Malzdek** – Does Shawmut coordinate with the Boston Job's Bank? **Samantha** - We do – Walk on applications are sent to Janine and appropriate contractor's directly. **WaWa Bell (Boston Jobs Coalition):** If there's a project that should be made an example, this is it! **Janet (Roxbury Labor Committee):** Reminder that Shawmut spent 2 plus years at the Bolling bldg., it took all our energy then to get them to meet the standards and I don't understand why they keep getting awarded projects on our tax dollars. **Commissioner Watson:** We'll look for improved numbers at your 50% review.

## **B. Innovation Square Phase II**

**Duration: 29 mins.**

**Present: Chris Pierce (Related Beal), David Cullinane (Consigli), Kacey Anne Satchell (Consigli) and Stacey Watson: (BPDA Monitor)**

### **Project Overview:**

**192,910 wkhrs, 875 workers, 24%BR, 33%POC, 5%F**

**Commissioner Watson:** I would like to hear from the team what some of the challenges are. Is there a sense from contractors a lack of will on their part or that the workforce availability is not there? **Kacey Ann Satchell (Consigli):** G&C has been working above and beyond in recruiting BR, POC and Females. This project was affected by COVID immensely. There were COVID outbreaks with the crew October, Nov., Jan. and March. **Commissioner Watson:** G&C with 79 workers, 1%BR and 0%POC shows they don't value meeting the goals. I'm looking for the City of Boston to address the repeat non-compliance of those not getting penalized but getting rewarded. **Kacey** – these

companies have monopolized the industry. I agree, we do need information to show whether it is that the workers don't exist or a breakdown in communication? My comment about G&C going above and beyond was in reference to them being a union company and going outside of that realm to reach out to a community organization (Building Pathways) which they are not obligated to do. You are familiar with Consigli and our work effort.

**Commissioner Burton:** What's the total contract price? **Stacey:** \$140,000,000. This unfortunately is not one of Consigli's best projects. Think about breaking down big packages. **Kacey** – we do practice breakdown, it didn't work on this project. **Commissioner Burton:** It should be the practice on every project. **Kacey** – we didn't get responses from smaller contractors. **Commissioner Burton** – smaller contractors need to have the faith that they will be considered. **Commissioner Cofield:** it's not just Consigli, 3 of the contractors (especially G&C) I take offense that they went above and beyond to hire People of Color. That is not their practice. Boston resident numbers have dropped since the ordinance – African Americans from the city of Boston are not getting the jobs and we're bringing in People of Color from outside the city. It stays in systemic racism. **Commissioner Watson:** There has to be a decoupling or breaking out what people of color is. Black Americans are being excluded. **Bro Lo:** G&C has been working in the City of Boston for a long time and has never been in compliance. At what point would you stop a contractor from working? **David Cullinane (Consigli):** We do have contractual language to stop a subcontractor or remove them from a job site. There are 3 – 4 main players with the concrete bids and we are limited on some of these packages. **Commissioner Burton:** Yes, there are 3 – 4 large concrete subcontractors that get the lion share of the work. There are ways to engage the smaller subcontractors. I'm contacted every week. Unfortunately, it's usually just so that it can be said that outreach was made to a M/WBE. Often times, if a smaller contractor doesn't see that there is a chance for them to get the bid, they bow out or don't bother to bid. I'd like to submit that GC's look hard at your own practices. Have outreach done at schematic designs. Consigli ranks #3 with more than \$1.2 Billion a year, if I'm correct. The amount of economic force you have in this market is tremendous and you can change it so the practices of the big 4 does not remain. **Commissioner Watson:** As an industry, developers value building quickly and cheapest amount. When we have private developers making lots and lots of money downtown, all it takes is for these developers to help these projects have a workforce that is reflective of the city they are building in. **Mukiya:** BEJI and BJS have worked constantly on moving this ordinance forward and I'm going to organize them to put teethe with the BEC and demand that no more city work is given to these Developers/GC's repeatedly in non-compliance. They shouldn't get any more public work. We will go to our City and State elected officials. We are absolutely committed to making sure this ordinance (Councilor Chuck Turner) is adhered to by everybody (City and State). **Commissioner Watson:** I share your sentiments and look forward to partnering with you to put teethe to the ordinance. **Commissioner Burton:** When is the close out date? **Dave:** The project will be complete at the end of August or beginning of September (cornshell). **Commissioner Burton:** You have 5 months to figure this out.

#### C. 144 Addison Street Apartments

**Duration: 36 mins.**

**Commissioner Burton recused herself from this project as she has a business relationship.**

**Present: Chris Cervizzi (Redgate Real Estate Advisors), Deborah Skinner (Dellbrook JKS), Sheryce Hearnis (Dellbrook JKS) and Stacey Watson (BPDA Monitor)**

#### **Project Overview:**

**Due to the uncertainty of this presentation, Commissioner Watson asked that the minutes be suspended on this project and this project be brought back at another time.**

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

**Duration: 4 mins.**

I want to applaud Janine for her presentation considering she started 6 months ago with no knowledge of construction and has done an excellent job on revamping the Job's Bank.

In regard to BRJP Contractor History reports, we have 30 years of history. GC and subcontractors are familiar with that process (repeat contractors should be familiar). All that has to be done is an outreach to the BRJP office.

In all honesty, the math doesn't work, there are not enough Boston residents, people of color or females to make every project or every contractor 51, 40, 12. We are working on the pipeline for apprenticeship goals, in the new ordinance we monitor and we encourage the union contractors to bring on apprentices to meet the goals. We do invite Business Agents to our corrective action meetings.

**Commissioner Cofield** motioned to accept the Director's report, **Commissioner Espinoza 2<sup>nd</sup>** and all Commissioners approved (Commissioners Cofield, Watson and Espinoza-Toro).

**Commissioner Watson:** Asked for motion to adjourn. Commissioner Cofield motioned, Commissioner Espinoza-Toro 2<sup>nd</sup> – all Commissioners were in favor.

**Meeting adjourned: 3:54**