

Boston Employment Commission Hearing Minutes

A monthly hearing of the Boston Employment Commission (**BEC**) was held virtually on Zoom, July 19, 2023.

Commissioners Present: Commissioner JoCole “JC” Burton, Commissioner Travis Watson and Commissioner Kenell Broomstein.

Hearing Begins: 1:08 PM

I. June 21, 2023 MINUTES (held over for August 16, 2023 BEC hearing due to lack of quorum)

II. SPECIAL PRESENTATIONS

A. 120-122 Harvard Street

Duration: 15 mins.

Present: Kamran Zahedi (Urbanica & Haynes), Roxanna Zahedi (Urbanica & Haynes), Tasha McNeil (Urbanica & Haynes) and Robert Woodson (BRJP Construction Monitor)

Kamran Zahedi (Urbanica & Haynes): Urbanica & Haynes is a Boston-based company located at Melnea Cass Blvd. This is our first project in Dorchester (self-performing). It was a 1 year RFP process. We worked with the community, abutters and engineers. It’s been a complex site with lots of engineering challenges. GC team has experience working on complex urban sites. The project is a two triple decker, Ground up development of 15 income-restricted homeownership units and 9 covered parking spaces, Amenities include: shared resident lounge space, outdoor patio and greenspace, bike storage. 60-70% bought out. U&H has a good database of M/WBES (subcontractors) and have committed to using them for the past 10 years. Completion estimated September – November 2024. Tasha McNeil is our head of Workforce Diversity and is a Dorchester Native. **Tasha McNeil:** I will work with subcontractors and community/diverse workforce as well as subcontractors and GC to ensure that the subcontractors are complying with BRJP and our diversity goals and hiring practices. Assist subcontractors in their best faith efforts to meet BRJP thresholds and guidelines and coordinate BRJP paperwork, pre-con meeting, and job application process. **Commissioner Watson:** How were you able to have all 15 units as affordable (*usually there’s a mix*)? **Kamran:** It’s been a long process, but with the help of Mayor’s Office of Housing (MOH) and Mass Housing. **Public: Janet Jones:** I live close to this project and will be watching for commitment to the BRJP standards and diversity workforce. **Davida Adelman:** I’m the chair of the Greater Bowdoin Geneva Association and was aware of this project, but wondering how did it get approved for 1-2 Bedrooms when there’s a greater need for at least 2 – 3 bedroom units? **Commissioner Burton:** That would be a question for BPDA (*great question as we are in a housing crisis*). **Jodi Sugermanbrozan (Deput Chief of Worker Empowerment):** I will put the link for BPDA website on this project. **Davida:** Not necessary.

B. 26 Court Street Renovation

Duration: 20 mins.

Present: Brook Woodson (Shawmut Construction), Samantha Glatfelter (Shawmut Construction), Mark Mazza (Shawmut Construction), Gregory Rideout (Mayor’s Office of Housing) and Manuel Barbosa (BRJP Construction Monitor)

Gregory Rideout (Mayor’s Office of Housing): This project is a full renovation of 26 Court Street. Constructed in 1912, 26 Court Street is an 11-story, 175,000 square foot municipal office building (Renderings shown). The project consists of heating ventilation and air conditioning (HVAC) upgrades, new electrical and plumbing systems, window replacements, masonry restoration, new elevators, office fit outs, accessibility upgrades, new sprinkler system, fire alarm replacement, selective demolition, waterproofing, site work (149A Trade Bid). **Mark Mazza (Shawmut Construction):** Overall construction duration – May 2023 – June 2025. Interior Completion, December 2024. Final

completion, June 2025. \$120M construction value for this phase. **Awarded Subcontractors: Trade Bid (149A) /** Roofing – Gibson Roofing; Windows – Kapiloff’s Glass; Lath & Plastering – H. Carr & Sons Inc.; Tile – Capital Carpet; Acoustical Tile Ceilings – K&K Acoustical; Resilient Flooring – Pavilion Floors; Terrazzo Flooring – DePaoli Mosaic; Painting – Dandis Painting; Elevators – United Elevator; Fire Protection – Boston Fire Sprinkler; Plumbing – P.J. Dionne; HVAC – General Air; Electrical – Lynnwell Electric. **Awarded Subcontractors: Non-Trade Bid:** Exterior Scaffolding – Marr Scaffolding; Personnel & Material Hoist – BrandSafway; Demolition & Abatement – Unified Construction Group, LLC; Concrete – Marguerite Concrete; Masonry – Grande Masonry; Cast-Iron Restoration (Strip and Prime) – The Aulson Company, LLC; Cast-Iron Restoration (Metal) – DeAngelis Iron Work; Structural Steel – Atlantic Bridge & Engineering; Misc. Metals – Atlantic Bridge & Engineering; Rough Carpentry – Starlite Building Services. **Brooke Woodson (Shawmut Construction):** Community / Diversity partnerships and engagement (shared slides of organizations and outreach events). Shawmut recently graduated 7 M/WBEs through their Business Accelerator program the Business Partner Series (we are working to increase). **Samantha Glatfelter (Shawmut Construction):** \$11M MBE and \$2,795,697 WBE and as Brooke noted we are working to increase that. **Subcontractors WBE Subcontractors:** CKM Construction- \$1,271,035; Depaoli Mosaic Company, Inc.- \$266,662; Dandis Contracting- \$1,058,000; Fisher Contracting- \$200,000; Fisher Contracting - \$282,862; General Air - \$10,312,000; Eco-Waste - \$25,000; Outkast Electric - \$460,000 (Enabling). **Commissioner Watson:** Is Fisher out of Worcester and isn’t it a WBE? **Samantha:** Yes, and she is both M/WBE and we have her under 2 separate contracts. **Brooke:** Fisher is part of Starlight (Scott Harrington - self-performing arm of Shawmut) and has been peering on projects across the Commonwealth. **Commissioner Watson:** Glad to hear of this participation. I’m familiar with Scott Harrington and his good work. **Samantha:** We have a walk-on application process that includes a QR code. I forward the applications where appropriate. **Commissioner Burton:** In regards to the M/WBE participation, while it’s not a requirement of the ordinance, I’m glad to see it is part of your pathway to meet the BRJP ordinance. Having M/WBE participation shows direct -correlation of an increase in workforce diversity. With the heavy foot traffic in that location, if you receive applications that aren’t applicable, what do you do with them? **Samantha:** We will make an effort to get them on other Shawmut projects. **Commissioner Burton:** Janine McLaren (BRJP Boston Job’s Bank Coordinator) has posted her information in the chat. Please reach out to her and let her know when you are having job fair events and she can do the same. **Brooke:** Janine and I brainstormed a couple of months ago. I understand her position is challenging and I believe she’s right for the position. **Commissioner Watson:** Brooke, did you say Starlight is the self-performing arm of Shawmut? **Brooke:** Yes. Shout out to our BRJP monitor, Manny. **Commissioner Burton:** When does construction start and what is the value? **Gregory Rideout:** Construction has started. The interior completion is estimated for end of 2024 and overall project completion estimated for June 2025. The construction value is \$120 Million. **Commissioner Burton:** It’s great to see over 10% of the construction value committed to M/WBE firms. Continued success to the project team. Thank you for your presentation.

III. PROJECT REVIEWS

A. Seaport Block L5

Duration: 20 mins.

Present: Mike Cusic (WS Development), Julia Gagnon (Turner Construction Company), Genci Leno (Turner Construction Company) and Pamela Ruffo (BRJP Construction Monitor)

Overall Numerical Compliance: 280,078 Workhours, 851 Workers, 23 Contractors, 26% Boston Residents, 32% People of Color, 9% Females

Pamela Ruffo (BRJP Construction Monitor): This project has been to the BEC for a special presentation on 11/17/21 & a Project Review on 06/15/22.

The comparison between the 06/15/22 BEC review & the current overall participation:

The overall number of work hours increased by 243,503 hours (from 36,575 to 280,078). The number of workers increased by 670 workers (from 181 to 851); Boston Residents performance decreased by -10% (from 36% to 26%); People of Color performance decreased by -4% (from 36% to 32%); Female performance decreased by -3% (from 12% to 9%); Even though the overall workforce participation had decreased from the previous BEC Review; Turner Construction commitment never decreased as the GC. The following are the efforts that have been taken place to

continue to build the pipeline: There has been 137 apprentices working on this project: 32 Resident (30%), 49 POC (38%) & 17 Females (26%). 16 out of 23 subcontractors on the project employs apprentices. The top 5 subcontractors are Boss Steel (31) Lund Rebar (27), Turner Construction (13). EM Duggan (13) & Gaston Electrical (10). There have been 5 Work Request forms submitted since the last BEC review in June 2022: Turner Construction- Laborers Local 223 on 06-09-23; AA Will-Equipment Operators Local 4 on 04-04-23 & 03-03-23 & Piledrivers Local 56 on 04-07-23; Axiom Concrete-Laborers Local 223 on 11-16-22; Turner Construction the 3rd largest subcontractor onsite is starting off slow with only 24% Resident, 4% POC & 0% Female. They are committed to achieving their previous strong BRJP history of workforce compliance on this project once they increase their crew size. And they went above & beyond last week they hired a Resident, POC Female carpenter apprentice from the Build It pre-apprenticeship training program at Minuteman Tech in Lexington. Attached is Turner Construction list of programs that they are working with to assist in building a stronger diversified pipeline in the construction trades: ACE Mentor Externship on 07-11-23 & previously on 07-13-22, Ramp 2023 Jobsite Presentation & Tour 08-01-23 Building Pathways, Building Pathways Tour on 06-22-23 & Job Shadows on 05-24-23 & 05-25-23, Boston Collegiate Charter School on 05-15-23-05-26-23 & previously 05-16-23-05-27-22, Women in Construction Week Site Breakfast on 03-09-23, West End House Career Pathway Site Tour on 02-23-23, MIT Students Job Connector Tour on 11-18-22, Waterfront Ambassadors of East Boston Presentation & Tour on 08-18-22, MBK Carpenter Pre Apprenticeship Program Tour on 07-29-22, School to Careers Virtual Panel on 02-08-22, Codman Academy Internship on 04-05-22 & 04-06-22, Building Pathways Cycle 28 Employer Panel on 04-07-22, MIT Students Job Connector Tour on 11-18-22. Turner Construction has committed to working with the subcontractors to be pro-active on any workforce issues: A meeting on 07-20-23 is scheduled with Ipswich Glass & Permasteelisa to review their plans for workforce as they get ready to ramp up onsite. And utilize their relationships with the Unions to attend all the upcoming pre con meetings with Commonwealth Roofing, Brightview Landscaping, Otis Elevator. As well as the finish trades (paint/flooring/interior glass/loading dock equipment/millwork/specialities & final cleaning). A. A. Will had committed to increasing their project workforce participation and still performing with great workforce participation 41% Resident, 41% POC & 14% Female. They also employed 8 apprentices. **Commissioner Burton:** Great thorough report as always Pam. **Commissioner Watson:** Appreciate the efforts, however, my frustration is the lack of accountability to the Boston residents with the Building Trade Union. Most of the workhours are going outside of the city (\$11M outside and \$4M Boston residents). **Commissioner Burton:** Any thoughts around increasing Boston residents and Females? (acknowledged the female numbers are higher than usual) **Julia Gagnon (Turner Construction Company):** We share the frustration. The core crew had a former Boston resident and they moved out of the city. **Pam:** Unfortunately, this is happening across all projects. 4 Boston residents started out and moved out of the city. **Commissioner Burton:** You mentioned reaching out to the younger generation. Is there a pathway? **Julia:** There's no one direct avenue (*referenced Building Pathways*). **Genci Leno (Turner Construction Company):** We will look at the subs ramping up and address the issue with them. **Commissioner Burton:** Thank you for your time and presentation.

B. 2 Harbor Street

Duration: 35 mins.

Present: Mike Loring (Beacon Capital), Anastasie Duffaut (Suffolk Construction), Dara Fredericks (Suffolk Construction), Sean Nellis (Suffolk Construction), Amy Cannistraro, Robert Martin and Anthony (Cannistraro), (*Liberty and Sawyer representation was acknowledged as in the meeting*) and Nelson Cunha (BRJP Construction Monitor).

Overall Numerical Compliance: 228,445 Workhours, 753 Workers, 16 Contractors, 23% Boston Residents, 31% People of Color, 7% Females.

Nelson Cunha (BRJP Construction Monitor): The project had a Special Presentation on 01/19/22, and it is currently 51% complete. The overall Boston Residents number (23%) reflects the impact of S&F Concrete (17%), the top subcontractors on site, with almost 50% of the project's total work hours. On a monthly basis, Suffolk reaches out to the subcontractors regarding their overall performance numbers requesting action plans and hiring efforts documentation on a case-by-case basis. J. C. Cannistraro is the third largest subcontractor on the project with 18,550 work hours and has provided documentation regarding their community outreach efforts (provided). *Tradeswomen Tuesdays:* First Tuesday of Every Month, at Building Pathways, *Construction Overview Presentation at Excel High School:* present to 11th and 12th graders at Excel on career paths in the trades and how to enter the unions. *Cannistraro's Heavy Metal Summer Experience:* Monday, July 24th to Friday, July 28th, at The

FID, 25 Fid Kennedy (Seaport). **Commissioner Burton:** As Commissioner Watson stated during the previous presentation, most of the monies are going out of the city. What's the strategy to address this? **Commissioner Watson:** Using the methodology previously shared, \$2.9 Million went to Boston residents while \$9 Million left the city (non-residents). **Ana Duffaut (Suffolk Construction):** The project is half way completed. We have made best faith efforts in outreach. The workforce is aging and we are making efforts to bridge the gap with a focus on the youth. **Sean Nellis (Suffolk Construction):** Not proud of the percentages. We think we can do a lot better and are working to improve the numbers and do a better job documenting efforts and communications. We believe our subcontractors (JC Cannistraro, Sawyer and Liberty) who have a large portion of remaining work hours will help bring the numbers up. **Commissioner Burton:** Summer is a prime time for hiring youth. **Commissioner Watson:** Out of curiosity, how has the recent Supreme Court ruling on Affirmative Action impacted Diversity, Equity and Inclusion internally and externally? **Dara:** Recently that came up in discussion with our new VP, Eileen Martin (Suffolk DEI). She is taking steps to be proactive on this and has reached out to our DC office in preparation of the impact. **Commissioner Watson:** On another note, were subcontractors on site and not aware of their need to report? **Sean:** They weren't aware that enabling work is part of reporting. **Dara:** Despite the oversight with a couple of subcontractors, we take the BRJP compliance seriously. **Commissioner Watson:** The Commission was given that response last month regarding the 10 World Trade Center project and it doesn't appear that way. Can someone from the city give clarity on under review for late payrolls? This doesn't seem consistent with the process that was used with the other subcontractors that were sanctioned. **Christopher Brown:** The reason it's under review is to do our due diligence as we did with 10 World Trade Center and give the GC an opportunity to explain in writing. We don't take sanctioning lightly and realize the accountability expected for the 2017 ordinance. **Commissioner Burton:** Thank you for the context. You're suggesting a departure in what we as a Commission have experienced previously (*reference to Memo sent to the Commission on recommendation of specific projects*). **Jodi:** We're not precluding recommendations and we are doing due diligence as Chris explained, to gather the data as we did previously. We share the concern that we apply the sanction policy with transparency and consistency. We recently met with the monitors on protocols to identify and share with the BEC when contractors are out of compliance (*more detail in my Director's report*). **Commissioner Burton:** The Memo's importance is that it makes a statement to the GC and subcontractors that we are serious about sanctions. **Commissioner Watson:** In shifting gears, I want to acknowledge the efforts of JC Cannistraro (28% BR, 18% POC, 6% F) in their outreach with various community partners, allies and returning citizens. **Amy Cannistraro:** Thank you for lifting up our efforts. I'm disappointed with our numbers on site. As a union contractor, I see workforce development as a long term effort. We realize it will take time to show impact and we will continue to make efforts despite the challenge with the workforce available. **Robert Martin (Cannistraro):** Amy won't brag, but she's led the family company well with these efforts. The FID, 25 Fid Kennedy (Seaport) space is used to learn and grow the trades. **Amy:** Our High School Educational program is in its 2nd year and 14 students are 43% Boston residents, 64% Female and 54% People of Color. Our 1st paid High School interns are 100% female (4 Trade females). **Commissioner Watson:** Looking forward to the future impact. **Dara:** Amy, thank you for your efforts. Ana has prepared a response, and invited subcontractors to attend this meeting to address the concerns around the late payroll submissions and provide more contexts behind the numbers. **Commissioner Burton:** Thank you Dara. We will move on to the follow-up on 10 World Trade Center.

IV. BEC Commissioners' Follow-up Requests/Concerns

Duration: 8 mins.

Christopher Brown (BRJP Manager): 10 World Trade Center will be recommended for sanctioning. During the July BEC (**Commissioner Burton noted that it was during June 21, 2023 BEC**) chronic submission of late payrolls was reported. BRJP Construction Monitor, Nelson Cunha identified 2 contractors had not submitted payrolls. We hope to bring recommendations before the Commission during the August 16, 2023 BEC. **Commissioner Burton:** The Commission would like to continue to receive the 2-3 years subcontractors' performance history. **Commissioner Watson:** What mechanisms are in place to track compliance on all BRJP projects (*not just the ones that come before the BEC*)? **Jodi Sugarmen-Brozan (Deputy Chief, Worker Empowerment):** The BRJP manager, Christopher Brown, Mimi Turchinetz and myself, addressed this recently in a meeting with the BRJP monitors. We are working on a process to have Salesforce provide a system wide account for all projects. Chair Burton, are you requesting 2-

3 years hiring performance history? **Answer:** Yes. **Commissioner Burton:** Please let the record show that Commissioner Flint has been attempting to join the hearing and is having technical difficulty with the zoom link.

V. SANCTIONS UPDATE AND DIRECTOR'S REPORT

Jodi Sugerman-Brozan (Deputy Chief, Worker Empowerment):

Duration: 15 mins.

To date, Kaplan Construction (*Dykeman Welding & Fabrication and Bridgeline GC*) have not yet paid the fine. According to the ordinance, the City of Boston may suspend work. The legal department recommends that the Boston Employment Commission can recommend to the City of Boston both to suspend payment and work or neither. **Commissioner Burton:** Just to recap for those who may not be aware, two subcontractors were fined for late payrolls (*9 Leyland Street project*). **Jodi:** The communication has been with the GC, Kaplan Construction. **Commissioner Burton:** Is the next step to send another letter? **Jodi:** We can send another letter. **Commissioner Burton:** We have been generous in our desire not to be as stern as we could have been. 75% of this Commission works in the construction industry every day and understand the challenges. **Jodi:** The Office of Labor Compliance and Worker Protections also enforces the city's wage theft executive order and we take that seriously as we understand late payrolls is often indicative of other issues. **In regard to the Economic Impact Analysis** (referenced by Commissioner Watson), the BPDA team is not quite finished. The details of the analysis will capture the calendar year 2022 (*size of gap, hours worked by Boston residents and wages in total by trade*). **In regard to the 2 vacant board seats appointments**, we should have information by the end of July. I'd like to thank everyone that participated in today's meeting, to the BRJP staff for their diligent work in preparing the information for this Commission to do the important work you are charged to do. **Commissioner Burton:** We will approve the minutes at the August BEC (*Commissioner Broomstein stepped away briefly*). Motion to Adjourn. Commissioner Watson moved and Commissioner Broomstein 2nd. All approved.

Meeting adjourned 3:06pm

KO/BEC Coordinator