

Boston Employment Commission Hearing Minutes

A monthly hearing of the Boston Employment Commission (**BEC**) was held virtually on Zoom, February 21, 2024.

Present: Commissioner/Chair JocCole “JC” Burton, Commissioner Travis Watson, Commissioner Priscilla Flint, Commissioner Broomstein and Commissioner Green. Absent: Commissioner Alexis.

Hearing Begins: 1:06 PM

Commissioner Burton acknowledged Black History Month and the decades of work to move the needle on inclusion in the construction industry.

Commissioner Watson spoke to virtue signaling on social media during Black History Month in regards to those involved in labor and their actions that don’t match the commitment to fight racial inequities within the city. While he has on occasion called out those trades who aren’t living up to the standards of the administration to break down barriers for everyone regardless of race, cultural standing or sexual identity/orientation to fit into the economy. He commended the Iron Workers work behind the scenes to rectify the racism of 30/40 years ago (referenced Supreme Court ruling in 1980s for the blatant racism in their entrance test that failed Blacks disproportionately). He mentioned Vincent Coyle (BA) of the Iron Workers Local and his efforts to increase the workforce diversity (21% workhours are going to Black Boston residents). While he commends that, based on the data provided by BRJP and BPDA, he states that more must be done. **Commissioner Burton** referenced many who have been fighting since the 70s, 80s and 90s for equity and inclusion in the construction industry.

Meeting Minutes for January 17, 2024 - motioned by Commissioner Watson and second by Commissioner Howell. All I’s approved.

I. ANNOUNCEMENTS

Jodi Sugerman-Brozan (Worker Empowerment): 5 Worker Know Your Rights resource fairs thru June 2024 addressing wage theft, harassment, etc. (link to flyer in the chat). Tabling opportunities (see Jodi). **Center for Working Families Free Tax Service** (link to flyer in the chat). **OSHA 30 training – 4 sessions** starting April 1, 2024 (website will have the detailed information for small contractors. **Commissioner Watson:** Commend Director Brozan on these efforts (referenced 3 women from (CA, NY and RI) experienced harassment on construction sites. Appreciate that this is an issue being addressed.

II. SPECIAL PRESENTATIONS

A. 3371 Washington

Duration: 25 mins.

Present: Brian Goldson (New Atlantic Development), Lina Jimenez (Jamaica Plain Neighborhood Development Corporation), Chrissy Clark (Baldhill Builders), Benjamin Dion (Baldhill Builders), Ahmed Hatim (Baldhill Builders), Jeffrey Ferreira (Baldhill Builders), Andrea Monteiro (Baldhill Builders), Carol Fuller (DEI Consultant), and Celso Ribeiro (BRJP Construction Monitor)

Ahmed Hatim (Baldhill Builders): 100% Affordable Senior Housing. Mixed-use, new construction (39 Apts). 92% bought out. Start date 2/2024 - Completion date 8/2025. **Chrissy Clark (Baldhill Builders): Workforce diversity efforts and Job Search Process:** Poll subcontractors to identify potential positions; Utilize resources to attract qualified candidates; Jobsite Applications & “Now Hiring” Banners; Social Media & Online Job Postings; MBE/WBE Listings & Outreach; Office of Economic Development; City of Boston Jobs Bank (Janine McLaren); BRJP Job Fair; YouthBuild Boston Job Fairs; Benjamin Franklin Institute of Technology Job Fair; Interview & Refer Qualified Candidates; Partner qualified candidates with subcontractors for interviews and hiring. Application outreach is in

12 different languages. **Maximize Ongoing Efforts to Expand Diverse Supplier Database:** Education, Guidance & Support of Current Subs through Certification Process; City of Boston & State Databases, MA Supplier Diversity Office & HUD; Partnerships: National Association of Women in Construction; YouthBuild Boston; Benjamin Franklin Institute of Technology and Just A Start. **Application Review:** Applications are reviewed to identify individuals that possess the qualifications for open positions - Applications are sent to the appropriate subcontractors, who determine if the candidate is qualified for open positions; Subcontractors communicate candidate status and provide feedback to BHB; BHB reviews and records outcomes in our applicant database; Subcontractors send a candidate request form to the BRJP Jobs Bank Coordinator (Janine McLaren); Unqualified individuals with potential in construction are referred to programs for training; Trained applicants inform us of their progress, and their applications are sent to the appropriate subcontractors. We accept resumes in lieu of applications. **Applicants who do not qualify for positions:** Provide or connect workers with assistance in seeking employment, including drafting resumes, preparing for interviews, finding job opportunities, connecting residents to job placement services. Offer training and apprentice opportunities, if available (OSHA, job shadowing, on-the-job training, resume assistance, coaching). Referrals to work readiness programs; Advise of educational opportunities that could lead to a career in construction; Identify existing skills and interests of applicants and Assist in determining suitable trade. We hired 2 Youth Build Boston graduates within the last year. As of 2/9, MBE is at 52% vs 51% goal and WBE is 22% vs 15% goal (*they are listed on the awarded subcontractors*). **Commissioner Burton:** Great report with lots of detail. Janine McLaren (BRJP Jobs Bank Coordinator) is requesting a copy of your Hiring Banner. Is this project Open shop or Mixed? **Benjamin Dion (Baldhill Builders):** We will be using union labor for Rough Carpentry. **Commissioner Broomstein:** How do you verify M/WBEs? There appears to be an Electrical company on this project that is not certified with the State or City. **Chrissy:** We allow them to self-certify and help them go through the certification process with SDO. **Commissioner Watson:** It shows that your team is committed to creating opportunities for under-utilized businesses. **Lina Jimenez (JPNDC):** We are strongly committed. There is language in our contracts to warranty that. **Commissioner Green:** What's the outreach to the younger generation without skills? Is the programming and training you mentioned paid for? **Chrissy:** We are partnered with Madison Park and other trade schools in the area and talk to students about construction as a career. We have 2 paid internships looking to provide for disadvantage youth from the Boston area. **Commissioner Green:** My point is to emphasize the type of equity that allows young people to stay in the community and provides a more clearly equitable path for diversity and inclusion. **Commissioner Burton:** When developers/owners partner and participate, it shows commitment at the top which flows through the project. **Brian Goldson (Owner):** Thank you for the opportunity. We have partnered with JPNDC for the past 15 years. We share commitment to diversity and inclusion and look forward to being successful with this project. **Lina:** Thank you. We are strongly committed to exceed the goals. **Commissioner Burton:** Although it's not a requirement of the BEC oversight, we see it as an indicator that M/WBE lead companies provide an uptick in increasing the diversity workforce numbers (*particularly Boston residents and Women*).

B. Josiah Quincy Elementary School Envelope Phase 2

Duration: 28 mins.

Present: Wayne MacKenzie (PFD), Kerrie Griffin (PFD), Susan Goldman (JJ Contactor), Gomi Patel (JJ Contractor), Shawna Peete (JJ Contractor), Rob St. Onge (JJ Contractor), (Lonnie Daniels (LH Daniels Assoc.) and Manuel "Manny" Barbosa (BRJP Construction Monitor)

Gomi Patel (J&J Contractors): This project is two phases - one was started in the spring of 2023 and completed in December of 2024. Phase 2 will be starting from Early Spring 2024 and ends at beginning of Fall 2024. The renovation work to the Josiah Quincy Elementary school building in Boston, which includes Masonry, Metal windows, Waterproofing, Dam proofing and Caulking, Roofing and Flashing, Plumbing and Electrical work associated with the renovation of an existing elementary school located at 885 Washington Street. **Filed Sub-Bid Contractors:** Folan Waterproofing (WBE, DBE), Thompson Waterproofing(WBE), Titan Roofing, Lockheed Architectural Solutions, Bello Painting, Annese Electrical (WBE), Robert W. Irvine, V&G Iron. **Construction Buyout (Awarded Subcontractors): Non Filed Sub-Bid Contractors:** Ricmor Construction, Overhead Door of Boston, New Quality Fence, Overwatch Security, BirdMaster, Select Demo. J&J held job fair in Boston in March 2023 and January 2024 and invited all subcontractors. Applications were forwarded to the appropriate subcontractors.

Held 2 virtual job fairs with Recruit Military in Summer of 2023 and another will be held in spring of 2024; Active and continues advertising on Facebook, Instagram, LinkedIn, US jobs, DUA job posting board along with building relationships with DUA case managers who refer to people to us and indeed; Job fairs at local colleges & Universities- Umass Lowell/ Amherst; Joined partnership with Laborers' Apprenticeship program within Boston, have partnership established with local Stewards & Business agents for increased compliance with BRJP goals. **List of M/WBE Contractor:** J&J Contractors, Inc. (MBE); Folan Waterproofing (WBE, DBE); Annese Electrical (WBE); Thompson Waterproofing (WBE). **Application Process:** J&J abides by OFCCP (Office of Federal Contract Compliance Programs) standards across all jobs; And EOE (Equal Opportunity Employer) guidelines and compliance for job applicant screening and resume review; J&J welcomes walk-ins to all sites where paper applications are easily available; J&J implemented a fully electronic applications process in January of 2024; Applications are tracked via our online portal and forwarded to Hiring Managers or Subcontractors who may need those skill sets. **Commissioner Howell:** Appreciate your job fair approach. I noticed only 2 a year. Are you partnering with others who are hosting job fairs? **Gomi:** Not at this time, but we are open to new partnerships. **Lonnie Daniels (LH Daniels Assoc.):** I attend lots of job fairs around the city and I look at other opportunities for J&J to hire people. **Commissioner Burton:** What's the duration of this project? **Answer:** Fall 2024.

III. PROJECT REVIEWS

A. Josiah Quincy Elementary School Envelope Phase 2

Overall Numerical Compliance: 20,691 workhours, 195 workers, 11 Contractors, 18% Boston Residents, 45% People of Color, 8% Women

Present: Wayne MacKenzie (PFD), Kerrie Griffin (PFD), Susan Goldman (JJ Contactor), Gomi Patel (JJ Contractor), Shawna Peete (JJ Contractor), Lonnie Daniels (LH Daniels Assoc.) and Manuel "Manny" Barbosa (BRJP Construction Monitor)

Manuel Barbosa (BRJP Construction Monitor): J&J Construction is driving the bus with impressive employment standard numbers 63% BR, 42% POC, and 46% Women. Continue to show the subcontractors that these employment standard numbers can be met with the proper plan of action prior to mobilizing on site. The Carpenters trade has an employment standard of 11% BR 56% POC and 11% Women and has worked the 2nd most hours. Improvements with the Boston Residency hours have to made for the 2nd half of the project for this projects overall BR numbers to see reach the 51% employment standard. A corrective action meeting was held on February 12th with the following subcontractors: Lockheed Architectural Solutions Inc., Thompson Waterproofing, Robert W. Irvine & Sons Inc., Folan Waterproofing, V&G Ironworks, Inc., Annese Electrical Service, Bello Painting, and Titan Roofing. Letters have been received and attached. **Commissioner Watson:** I was surprised by the letter from the Bricklayers. Need further clarification of the words, "to the best of our knowledge there have been no Boston Residents, minorities and women available for work". I find it hard to believe they are not aware who's available for work in their hall. **Commissioner Burton:** This is somewhat of a Case Study / Best Practice project in that this is a M/WBE General Contractor (JJ Contractors), doing all the right things and leading by example but because of the file sub-bid factor it poses a challenge. However, this doesn't excuse the response in the letter (catchall statement). **Commissioner Howell:** I was looking at the Sheet metal worker numbers (10) and the percentages 0% BR, 16% POC, 0% W. Is there any corrective action or is their work concluded? **Manny:** Susan and I had a corrective action meeting and we have pre-con meeting to go over the subcontractor's plan of action starting out. Unfortunately, the plans don't always meet the goals. **Gomi Patel (JJ Contractors):** The sheet metal and the roofer workhours are combined. This is a specialty job (metal edge on roof). The roofers are 55-64% complete. **Manny:** During the corrective action meeting, they provided a plan to improve on the 2nd phase. Right now they are on break from the project. **Commissioner Watson:** At some point (addressed to BRJP staff), there has to be a more sound strategy and a higher expectation for acceptable correspondence whether union or non-union. I would like to get a further response from the Brick Layers as to what systems are in place to know whether their members are currently working. **Commissioner Burton:** If we can have this follow-up information by the March BEC Hearing that would be preferred. Thank you for this report and the breakdown (*schedule of participation*) of the racial ethnic demographics helps to see who's working on a site. **Manny:** Susan and I will work on that expeditiously.

B. 250/280 Western Ave

Duration: 46 mins.

Overall Numerical Compliance: 252,639 workhours, 991 workers, 40 Contractors, 19% Boston Residents, 27% People of Color, 8% Women

Present: Julie Farrer (King Properties), Kacey-Ann Satchell (Consigli Construction), David Cullane (Consigli Construction), Haley Hirsch (Consigli Construction), Jeremy Roche (Consigli Construction) and Pamela Ruffo (BRJP Construction Monitor)

Pamela Ruffo (BRJP Construction Monitor): The project had a BEC Special Presentation on 09/21/22. The Project is 60% complete. Pam read the overview of her report. **Commissioner Burton:** Who was the Trade or Local that said there were on out of state workers available? **Pam:** Local 6 (Insulators). I've been seeing that across the board for about a year now. I had to get additional states added to Salesforce. **Commissioner Burton:** what were the states? **Pam:** I believe it was 3 Midwestern states and I can get back to you with that information.

Commissioner Watson: The BPDA did an analysis of the amount of money that should be going to Boston residents but is leaving the city. It makes zero sense to me that a Boston resident in the insulators trade could not be found with minimal outreach. I'd like to recognize Cannistraro for their efforts to go above and beyond in creating opportunities to grow equity and inclusion through their Heavy Metal Summer Experience, Women United Tradeswomen conference, sponsored 2 Boston resident persons of color plumbers who joined their core crew. Wayne Griffin Electric (non-union) is also making intentional efforts. These are good blue prints for those who want to be intentional and grow a workforce that is representative of Boston. **Commissioner Burton:** The construction cost of this project is \$228,000,000 and I see noted \$78M is going to M/WBE and \$120M W/MBE?

Dave: That's an overall number for MA. **Commissioner Burton:** Do you know what it is for this project? **Dave:** No, I can get you that information. We try to be conscious about checker boarding. Riggs overall performance history is 32% Boston residents, 44% People of Color and 8% Women. We have a partnership with Madison Park that has resulted in 1 - 3rd year apprentice (Boston resident) with Riggs, 2nd - 2 yr., 3rd - 1yr and a graduate that will come on with Riggs in June. They are all Boston residents and Madison graduates. The Electricians union (Local 103) has done a good job bringing on Boston residents, People of Color and Women over the last several years.

Commissioner Watson: It's good that you're having that experience with Local 103 on this project, but the numbers don't show it overall across the city. They have the worst ratio of number of work hours given to white union members (72%) compared to black union members (21%). This is based on data from BPDA. Either they are not bringing on enough black and brown apprentices or they are bringing them on but not giving them hours. The worst part of that scenario is that the black and brown apprentices are paying their dues and not benefiting, the 72% are. This is information for you to think about. **Dave:** I'm not disagreeing with what you're saying, however, the trade partners on this project speak differently. We have brought on 3 of 5 M/WBE union Electrical contractors we sat with. **Commissioner Watson:** That's great that you brought on M/WBE firms, but they are going to have to go to the union to get workers that 72% won't look like the ownership. **Commissioner Burton:** M/WBEs are not tracked by the BEC or BRJP. However, it does appear that this project has experienced an uptick in the numbers for the electrician's trade. It doesn't however negate the point that Commissioner Watson has made based on the data from BPDA that there seems to be a huge discrepancy across the board with the electricians where workhours are not available long term. **Commissioner Green:** I applaud your efforts with Madison. The students need these opportunities. I'm a Madison Park alumnus and would have loved the opportunity to go into the union right out of high school. Local 103 is awesome (new facility). Systematic change takes a while. **Dave:** Madison has a great carpentry program and we'll continue that relationship. We have brought some students on our core crew in our self-performing division. **Commissioner Burton:** Your partnership with Madison is for apprenticeship which won't impact this project. What are you doing to increase the numbers on this project and what tools do you have in place for non-compliance? **Dave:** We talk to the trade partners weekly. As for compliance, everyone is in compliance of the 7 compliance steps. We are not holding payment based on percentages. **Commissioner Burton:** Do you continue to bring on companies that aren't performing well? **Dave:** We look at past performance, workforce utilization and site safety. **Commissioner Watson:** For the past 5 years, I've heard it doesn't happen overnight, be patient and wait. It's like the James Baldwin quote, "How much time do you want for your progress?" In the 40 years of the Ordinance there has been zero change in the amount of Boston residents getting jobs (reference men who fought for progress, like Leo Fletcher, Chuck Turner and Omar Cannon and other legends before them.) **Commissioner Flint:** I'm not impressed with the rubric and not impressed with these numbers. **Commissioner Burton:** The impact on this project is minimal. It's as though the approach is since the rubric is being met, there's nothing more that can be done. **Dave:** That's not the approach and it's not what was said. We're not holding payments. We provide other resources to help them improve their workforce. I know there's a pipeline; however, this being a 100% union job, there's a limit where people can be

pulled from. **Commissioner Burton:** There's no information in the report that explains change, but your summary of the challenge was good. **Dave:** Finishing trades will have an increase, but not sure the numbers will jump significantly. Women numbers are slightly higher on this project than on other jobs across the city. There is an impact to individual lives. **Commissioner Watson:** A huge effect can be had on an individual's life. I agree. Folks become tokenized when it's measured in those terms. It shifts the narrative to make it seem that something is happening that isn't. After 40 years, a greater impact isn't being realized.

Julie Farrer (King Properties): It is a priority of ours. We hold weekly meetings.

Jeremy Roche (Consigli Construction): We are reviewing the information. Hopefully, with the largest remaining workhours, Ostrow Electric will help increase the numbers.

IV. BEC Commissioners' Follow-up Requests/Concerns

Josiah Quincy project Follow-up with Bricklayers Local 3 – request more clearly stated letter regarding system in place to know where their members are currently working. Letter should be submitted by March BEC Hearing.

DIRECTOR'S REPORT

Duration: 8 mins.

Jodi Sugerman-Brozan (Worker Empowerment): 6 month payroll scan (43 subcontractors late, 18 late across all 6 months). Compiling additional data to present at the March 13th BEC Training retreat and address hiring guidelines as well. Draft agenda for March 13th retreat will be sent out later. The purpose of the retreat is to help orient new commissioners in their new roles. Congratulations to Janine McLaren (BRJP Jobs Bank Coordinator) on a successful job fair held February 15th - 80 signed in, 26 vendors – unions, wrap around services (focused on training). Next steps on Salesforce –partnering with Mayor's Office of Housing, which will provide more capacity (day-to-day, query/data pulls). **Commissioner Burton:** Congratulation to OWD on innovative ways to support citizens of Boston and on the grant submission. Historically black and brown folks were excluded from benefiting in the economy of the construction industry. We're still not seeing the fruits of the labor. We are hopeful for the resources that grants will provide for the future of construction in the city of Boston.

Commissioner Burton adjourned the meeting.

Meeting Adjourned: 3:05pm

KO/BEC Coordinator