

Boston Employment Commission Hearing Minutes

A monthly hearing of the Boston Employment Commission (**BEC**) was held virtually on Zoom, September 18, 2024.

Present: Commissioner/Chair JocCole “JC” Burton, Commissioner Donald Alexis , Commissioner Chaton Green and Commissioner Darrin Howell and Commissioner Priscilla Flint

Absent: Commissioner Travis Watson

Hearing Began: 1:05 PM

August 21, 2024 Minutes approved (motioned by Commissioner Howell and 2nd by Commissioner Green)

I. ANNOUNCEMENTS

Jodi Sugerman-Brozan (Deputy Chief, Office of Worker Empowerment): BRJP Jobs Bank Job Fair, October 3, 3:00 - 6:00 pm, 17 contractors and unions have agreed to attend, contact Janine McLaren (janine.mclaren@boston.gov)

Office of Labor Compliance & Worker Protections Workers’ Rights Initiative FY25

Hosting **8 Workers’ Know Your Rights webinars** on key issues affecting workers:

- Rights of Workers with Disabilities (10/30/24)
- LGBTQA+ Workers’ Rights (11/18/24)
- New Rights for Uber/Lyft Workers (1/13/25)
- Discrimination and Harassment (2/24/25)
- Sexual Harassment (3/10/25)
- Youth Workers’ Rights (4/24/25)
- Immigrant Workers’ Rights (5/12/25)
- Domestic Workers’ Rights (6/16/24)

We are also working with Worker Centers to provide **multilingual Know Your Rights training** for at least 240 workers (schedule pending).

Hosting five **Workers’ Know your Rights Resource Clinics** where workers can have their questions answered and to obtain referrals and representation in labor violation cases including, but not limited to wage theft, discrimination, and health and safety issues (each 4-6 pm).

- East Boston, East Boston Library, 11/20/24
- Dorchester, VietAID, 1/14/25
- Allston, Brazilian Worker Center, 2/25/25
- Chinatown, Pao Arts Center, 3/11/25
- Roxbury, Bolling Building, 5/13/25

II. SPECIAL PRESENTATIONS

A. White Stadium Renovations

Duration: 10 mins.

Present: Brian Melia (City of Boston Public Facilities Dept.), Peter Roche, Bond Building Construction, Dakota Jones (In Order Business Development Solutions) and Pamela Ruffo (BRJP Construction Monitor).

Peter Roche and Brian Melia: This development involves 2 separate construction projects concurrent with each other (East and West Grandstands). The city was given the East side which involves demolition of East Grandstand (EGS) at White Stadium (Franklin Park) 450 Walnut Ave to include a new 5,000 seated grandstand with 2 concourse levels. 2 single story support buildings will be constructed for the purpose of storage, administration and strength

training facilities (BPS-Facility-oriented). In addition a construction of a FIFA level playing surface and new MIAA track and field facilities. All work at the West Grandstand (WGS) is by a separate Owner/Developer/Designer and Construction Manager. In Order Business has been brought on as the diversity consultant to help improve performance. **Schedule:** Fall demolition, February 2025 - new construction and 2026 expected completion of the East Grandstand. **Commissioner Burton:** Is the stadium construction part of this project's completion date? **Answer:** The EGS will be completed at the end of 2026 and the WGS (Field) expected completion is 3/2026. There are no subcontractors on board at this time. We are in a phased procurement process and subject to 149A (17 specified trades - 40 – 60% of the dollar value). This will influence business participation. When we have more M/WBE participation, we tend to see a higher level of workforce diversity. To date, the two MBE businesses are Arrowtime (*Project Scheduler*) and In Order Business Development Solutions (*DEI Consultant/Partner*). **Dakota Jones (In Order Business):** It is early in the process and diverse procurement conversations have been actively engaged in. Everyone will be accountable to the standard workforce expectations (*including 149A subcontractors*). This is an incredibly unique project to the City of Boston; a partnership with Facilities and BPS (Athletic project) in a high traffic area. There will be non-union and union engagement. We will engage the community through walk-on application signage and community engagement events. **Commissioner Burton:** Thank you for your presentation. Looking forward to what you are able to do understanding the challenges of being subject to 149A.

B. 36-40 Sprague Street

Duration: 10 mins.

Present: Commonwealth Development Partners, LLC, Jacqueline Rowan (Metric Construction Corp.), Mark Corvi (Metric Construction Corp), Dakota Jones (In Order Business – IOB) and Takara Hamilton (BRJP Construction Monitor)

Jacqueline Rowan –Safety Compliance Officer (Metric Construction Corp.): overview of the construction team and their roles. **Mark Corvi (Metric Construction Corp.):** Community-Centered development of 247 Housing units (studios, 1BR, 2BR and 3BR) – Courtyard, Workshare-Pavilion and Sustainability. **Jacqueline:** 60% of project has been awarded to subcontractors and contracts include language of the BRJP ordinance/standards and a commitment from subcontractors for workforce diversity. Metric is committed to increasing the remaining awarded buyout to M/WBEs (electrical, foundation, finishing trades, landscaping and other exterior work). This estimates a potential of 50 – 60 workers. The completion of project is estimated early 2026. We are looking to enhance workforce diversity with our current subcontractors with the recommendation from our diversity consultant (IOB) to encourage internships and job placement opportunities for students from organizations like Madison Park Vocational High school. We are fully committed to the success of this project and have provided various job application processes/outreach (*QR codes, secured application boxes and social media platforms, ie LinkedIn, FB, Instagram, etc.*). Further outreach is made with local community organizations, apprenticeship programs, Boston Jobs Bank and participation in various job fairs. **Commissioner Green:** I didn't hear any numbers. Will that be on the next presentation? **Commissioner Burton:** Special presentations are just an introduction to the project before accumulation of workforce hours. When this project comes back for their review, numbers and additional specifics will be presented. Thank you to the team for this succinct/great presentation on efforts to drive participation.

PROJECT REVIEWS

C. 44-46 Soldiers Field Place

Duration: 36 mins.

Present: Berkely Investments (developer), Amy Boehmcke (Reycon Construction), Henry Regalado (Reycon Construction) and Takara Hamilton (BRJP Construction Monitor)

Overall Numerical Compliance: 48,478 workhours, 230 workers, 18 contractors, 11% Boston Residents, 77% People of Color, 1% Women

Takara Hamilton (BRJP Construction Monitor): The project includes 99,660 gsf of floor area, 103 residential multi-family units, and 62 parking spaces in a below-level garage on a 26,000 sf site at 1500 Soldiers Field Road in the Brighton neighborhood. The project is 56% complete. The BPDA and ReyCon Construction have had seven pre-construction meetings to onboard all 18 contractors. Contractors appeared at the meeting they were scheduled to attend and were provided with BRJP Ordinance Documentation and supplemental paperwork (i.e., RVFS, Workforce

Request forms); Contractors were reminded of the BRJP goals for this project and were encouraged to send monthly BFE if they were struggling to meet the diversity goals. Contractors participate in "Hiring Logs" as BFE, which detail all potential applicants, their current location in the hiring process, and whether or not they were hired and why. All 18 Active Contractors are currently in compliance with timesheet submissions. Resident Verifications are at 70%. Recent subcontractor JKA Construction has added many Boston residents to its workforce but has yet to verify them. We are currently working with their admin to update the verification. **Commissioner Howell:** Appreciate the thoroughness of your presentation Takara and it shows you've done your due diligence to inform the subcontractors of what the BEC would look for. Given this is an open shop project it's concerning the lack of participation for women (1%). Where are the women? With this being half way through completion, Madame Chair what do we do as a body? **Commissioner Burton:** I'd like to hear from Reycon. **Henry Regalado:** We are aware of the poor numbers and we have reached out to the subcontractors to increase their workforce diversity efforts. We are prepared to withhold payments if they do not follow-up with Takara or ourselves when we request the documentation. We are trying to get subcontractors to comply. **Commissioner Green:** As has been noted by Commission Howell, it's an open shop project, you're half way through, women and resident numbers are down, most of the workforce is from out of state. What is or has there been a new plan to increase the numbers? The best faith efforts are not showing in the numbers (11%BR / 1% Women). **Amy:** New subcontractors are coming into the schedule (*finishing trades*) and we're putting pressure on the subcontractors to be mindful of reserving crews that can meet the BRJP goals. **Commissioner Burton:** While we appreciate the efforts to diversification, this is the Boston Residents Jobs Policy not the People of Color job policy and there's a requirement to get Boston residents. How many subcontractors are Boston-base, Massachusetts-based and out of state based? **Amy:** Reycon is the largest out of state and we are working on getting local. **Commissioner Burton:** I'm asking for specific numbers and if you're not prepared to give that answer now you can follow-up. **Amy:** We will follow-up. **Commissioner Burton:** Reycon is a good company and works widely throughout the city and the state. You're 18 months into the project and generally we see open shop projects provide opportunities for the categories you're falling short in. 1% women says nobody cares. The follow-up questions are: How many subcontractors are Boston-based, Massachusetts-based and out of state based and what is the definitive plan to get more Boston residents and women involved? **Amy:** Thank you, we will send the requested plan and information. **Commissioner Flint:** Where is Reycon located? **Amy:** Plymouth. **Commissioner Flint:** Do you inform the subcontractors of the BRJP ordinance? **Amy:** Yes and the language is in the contract. This project is unique in that we inherited it. The subcontractors were largely bought out when we were brought on to the project. **Commissioner Flint:** Have you had corrective action meetings and has there been any improvement, if so? **Amy:** Yes, we have had corrective action meeting and there has been improvement. **Commissioner Flint:** I'm in agreement with my fellow commissioners, this is not acceptable. **Commissioner Burton:** Can you explain what inherited the project means? **Amy:** The former owner, who is no longer on the project, brought in subcontractors that we negotiated to continue with. We have been working with Takara to emphasize the BRJP requirements to the subcontractors. **Commissioner Burton:** It's not unusual for a developer to sell a project in the middle of development. When did they exit? **Amy:** Last year. **Commissioner Burton:** Last year seems early enough to have addressed these issues. **Commissioner Howell:** Can you give an example of a problem that a corrective action meeting addressed? **Amy:** I misunderstood the question about corrective action. **Takara:** The corrective action has been in regards to the 7 enforcement compliance efforts. Not to make excuse, but they inherited a bad hand. **Commissioner Howell:** That's helpful information. Reycon mentioned holding checks and I know that when that tool is used it is a motivator. I'm very interested to see the inherited subcontractors and where they are located. It perhaps will shed some light on why these numbers are so poor. **Commissioner Burton:** Commissioners, please look at the zip folder Mrs. Odom sent. It gives the history of the subcontractors and should add further context. **Commissioner Green:** I understood the corrective action differently. Because it appears the subcontractors are out of state, I would recommend a corrective action should be to engage in outreach with the communities in the city you are working in. Consider a Pay and Train approach if there's a candidate that's promising but lacks the skills. I look forward to your update on this project. **Commissioner Burton:** The City of Boston can only have Corrective Action around the 7 compliance efforts (*Pre-construction meeting – in compliance (all subcontractors have attended); Weekly payroll submission – in compliance (average is 4 days which is better than the 7 day goal); Corrective Action meeting – in compliance (conducts them on a regular basis to stay proactive; Boston Employment Commission Meeting – in compliance (2nd project review); Providing communications/confirmations – in compliance; Jobs Bank Referral(s) – in compliance (no applications submitted at job site); Boston Resident Verifications – in compliance (100% verified)*). The Commission is looking to resetting the hiring goals of the BRJP ordinance to align with the intent to provide construction opportunities to Boston residents, in particular and not to penalize companies for administrative purposes. I understand the context of Reycon being in a hard position where the inherited subcontractors contracts were pre-negotiated. **Takara:** Commissioner Green I appreciate your insight. As monitors, we do encourage community engagement to the subcontractors especially if

they are from out of the city/state (JKA has made efforts). **Commissioner Burton:** Thank you for your review. We would like follow-up on the four things mentioned previously.

A. MGH Cambridge Street

Duration: 35 mins.

Present: Nicholas Haney (MGH Partners), Charles Favazzo (Leggat McCall Properties), Brian Chase (Turner Construction), Amanda DiLando (Turner Construction), Carolyn LaCamera (Turner Construction), Jim Lyons (Walsh Brothers), Dakota Jones (In Order Business) and Pamela Ruffo (BRJP Construction Monitor)

Overall Numerical Compliance: 318,915 workhours, 905 workers, 32 contractors, 29% Boston Residents, 41% People of Color, 10% Women

Pamela Ruffo (BRJP Construction Monitor): This project's BEC special presentation was on 03/15/23 & 1st Project Review on 10/18/23. The completion percentage is 15%. The comparison between the 10/18/23 BEC review & the current overall participation: The overall number of work hours increased by 249,053.50 hours (from 69,861 to 318,914.50); The number of workers increased by 797 workers (from 208 to 905); Boston Residents performance increased by +3% (from 26% to 29%); People of Color performance decreased -1% (from 42% to 41%, still exceeded the 40% goal); Female performance decreased by -4% (from 14% to 10%); Turner Construction is the 5rd largest subcontractor onsite and partnering with Walsh Brothers as the GC on this project is setting the bar high for the subcontractors working on the project with outstanding workforce 46% Resident, 70% POC & 22% Female. The project joint efforts of MGH and the Turner-Walsh team continue to build the pipeline for workforce diversity in the construction industry. As well as volunteer in community based programs in the City of Boston. Below are highlights of their outreach efforts. Attached to the project review is the full list of their outreach efforts: Employed an intern from the Rising Stars program at Madison Park High to work 6 weeks of the summer at the project site. Members of the Anchor Team including MGH, Turner-Walsh, NBBJ and In Order had ACE Externs working in their offices for the summer session. 58 UBE companies have been awarded contracts on our project. We are kicking off our annual winter boot drive this week with Horizons for Homeless Children which services families in need within the City of Boston. Consistently volunteers at the NE Center for Homeless Veterans serving lunch & dinner to those who face food insecurity. Conducted donation drives for 2 consecutive years collecting their most needed items. We will be volunteering at their upcoming Stand Down being held September 20th at City Hall, which brings together providers of essential and support services to Veterans in one location and will be hosting another drive for them in honor of Veterans Day this November. Since the start of the project, Our team including MGH, In Order, NBBJ, and our Subcontractor partners have a combined 728 volunteer hours at numerous outreach events and community engagements in and around the City of Boston. The Carpenter trade is the 4th largest trade onsite with overall low resident participation of 29%. Therefore Turner is being proactive by scheduling a corrective action meeting with T.J. McCartney on September 10, 2024 to discuss their workforce plan to increase their resident & woman participation as their crew size increases in the next few months. Electricians trade is the 5th largest trade onsite with overall great workforce participation of 38% Resident, 33% POC & 26% Women which is due to Sullivan & McLaughlin workforce of 37% Resident, 32 % POC & 26% Women. There are 126 apprentices working on this project: 27 Resident (34%), 38 POC (38%) & 20 Women (18%). 20 out of 32 subcontractors on the project employ apprentices: A.A. Will (13), Boss Steel (23), Delta Beckwith (1), Demelo (6), EM Duggan (6), G&C (5), Gaston Electrical (2), JC Cannistraro (9), JC Higgins (6), Massey Architectural (3), McCusker Gill (8), NH Steel (1), Phoenix (2), Regis Steel (7), South Coast Steel (5), Sullivan & McLaughlin (13), TJ McCartney (1), T&T Steel (2), Treviicos (9) & Turner (2). Work Request Forms: 31 submitted to date, 23 since the last BEC meeting (Please note 25 Residents were placed from the 23 work request). **Commissioner Burton:** When there's leadership from the very top that identifies workforce development is an important part of the project, it's critical to the success of a project. This project came before us for its first review last year and presented numbers, the highest in all categories I had not seen since being on the commission the past 3 years. Their procurement and workforce strategy was put in place 2 years prior to beginning the project. Because this is a multi-year project (8 year duration), it is providing opportunity to grow a pipeline of a diverse workforce and Mass General and the team (Turner, Walsh, LMP) has shown their strength in engaging with community partners (vocational high schools and programs) resulting in 120 apprentices, which is unheard of! The city of Boston should use this as a case study and document the best practice of a super project. **Commissioner Green:** When I heard the word apprentices (*I come from this.*), it was uplifting! It shows that your communication with the unions have been productive. This speaks volumes to what the positive impact (*financially*) will be to those apprentices, even the opportunity to live in their community. This is commendable! **Commissioner Howell:** Thank you for your consistent approach to the

BRJP ordinance. The level of stakeholder engagement and investment in communities is improving the lives of people I know have been impacted by this project thus far. The longevity of a project like this is a pathway out of poverty (*referenced people of color criteria*). This is one of those “How to” case study projects. **Commissioner Burton:** I’d ask that you consider a concept I’ve shared in the past. It’s something that was done way back in time and would be a stretch-goal overtime, **Employer–sponsored housing**. It’s an approach that could work with a super project like this. The other asks is regarding diversity in the workforce of building the Clean rooms/Lab renovations. There has been a decline in diverse people experienced in this field. **Nick Haney (MGH Partners):** In regard to Affordable Housing, there are 2 aspects we are working on that are subject to linkage. We own a parcel on Beacon Hill (Garden St) and have made a commitment to develop as affordable housing (land value at \$0). While this is not directly related to your vision, Commissioner Burton, it is something we are looking to do with the City of Boston (*in 12 months or so*) as we know affordable housing in Beacon Hill is a challenge. Regarding leadership, we meet bi-weekly on all our initiatives and UBE workforce participation is in every contract. We don’t break up the contracts (*reference to Clean Rooms*). Our leadership team is held accountable by a subcommittee (*Chairman and President of MGH*) to submit a quarterly report. This is called the Anchor Strategy. To your point at the beginning, Commissioner Burton, top leadership matters. **Brian Chase (Turner Construction):** To add to Nick’s comments about our Anchor Program and commitment at the board level, every great leader has a boss. We appreciate the recognition that our approach started early in consideration of the long duration of this project and the opportunity for pipeline and development trajectory (*apprentices – journeymen – foremen*). In regard to labor, the building is highly technical throughout and has provided opportunities throughout. We don’t bifurcate in certain people working in certain areas. We have used an intentional approach. We set a goal for UBE contracts at 12% and exceeded that. Our procurement efforts with subcontractors although challenging, through negotiations we got where we wanted to be. **Dakota Jones (In Order Business):** I echo Nick and Bryant. As a DEI practitioner, I’ve learned a lot on this project and I want to thank the dynamic duo (*Pamela and Amanda*) for their focus, efforts and coordination has been exceptional. We look forward to the continued momentum. **Commissioner Burton:** We appreciate the work you all are doing. Thank you to everyone who presented before the BEC today.

BEC Commissioners’ Follow-up Requests/Concerns – Clougherty Pool/J&J Follow-up regarding corrective action letters. Commissioner Burton asked the commissioners to review the letters provided in the packet and determine if further explanation is required. **Commissioner Burton:** We received a few letters from various subcontractors. The responses don’t go deep enough as it relates to the question asked about the efforts taken to increase the diversity of their workforce. I’m asking my fellow commissioners to review the letters (*Mrs. Odom sent us*) and share your recommendations as to whether we need further explanation.

Sanction Recommendation - Commissioner Burton: We are requesting a work session with the city/BRJP staff to figure out more beyond the administrative paperwork of the 7 Enforcement Compliance Efforts. If Commissioner Watson was here, he would remind us the history of the purpose for the BRJP ordinance was to address the exclusion of people of color and black men particularly from getting construction work in the City of Boston. **Commissioner Flint:** As Commissioners we don’t get a chance to talk amongst ourselves because of the Open Meeting Law. If we could meet with the city’s administration and the BRJP staff, we could address what the original intent of the law was (1983) and the challenges that have been presented all these years to enforce it. **Jodi:** While it’s true we have to comply with the Open Meeting Law, it doesn’t mean a meeting can’t be held or to have a portion of our agenda dedicated to this kind of conversation. The administration and BRJP share the same frustrations. We heard you last month and today and I believe the director’s report I prepared for today will address some of those concerns.

DIRECTOR’S REPORT

Duration: 12 mins.

Jodi Sugerman Brozan (Deputy Chief, Worker Empowerment): There is a new tool on the BRJP website that will provide real-time data for the overview of compliance as it relates to a project year, developer, GC and subcontractor (this does not include construction projects that are subject to restrictions like 149A, etc.). **Please look at the website.** In regard to the powerpoint prepared for today, before any roll out of this plan, we will request recommendation from the Commission.

Compliance Monitoring Snapshot August 2024 – Powerpoint (Jodi Sugerman-Brozan)

Per monthly reports provided by Construction Monitors, BRJP is currently Monitoring **118 Projects***:

- 15 projects, 13% are less than 25% complete or not started yet
- 34 projects, 29% are 25% complete
- 27 projects, 23% are 50% complete
- 37 projects, 31% are 75% or more complete
- 5 projects, 4% were completed this month

49 projects, 42% are Union (number of projects, not work hours)

67 projects, 57% are Open Shop (number of projects, not work hours)

41 projects, 35% are prevailing wage/Davis Bacon

Next month we plan to add data on the number of corrective action meetings.

Other information? *missing data from 2 monitors

Strategies to Improve Outcomes and Compliance – Powerpoint (Christopher Brown, BRJP Manager)

Identify challenges and best practices, maintain consistency in compliance: Monthly reports from Construction Monitors.

→ Recommendations for sanctions for late payroll: Developing system for consistent, more transparent way of recommending sanctions for late payroll submissions that will include (1) recommendation to attend Salesforce “office hours” to provide support, (2) warnings and (3) corrective action meetings before (4) recommending sanctions if no progress made.

→ Improved reporting on late payroll to the BEC: Shifting to reporting only on those that are 10+ days late, including names of subcontractors, GC, Developer and project, as well as action taken to date.

→ Communications/data sharing with City of Boston procurement/contracting: Meeting with each of the City of Boston departments (Public Facilities, Public Works, Parks & Recreation and Mayor’s Office of Housing) to share data on project compliance and hiring at least quarterly.

Commissioner Burton: Appreciate the shift. We look forward to an opportunity to meet together and address the issues. As a member of the contractor community (*3 decades*), it is not our goal to sanction anyone. However, there are violators and we must work on right sizing the program to address those who choose not to hire Boston residents in relation to the intent of this program. We look forward to another working group. **Janine McLaren (Job’s Bank Coordinator):** There will be a Job Fair on 10/3 both with union and non-union subcontractors. It will be held at the Bolling Bldg, from 3-6. **Commissioner Burton:** Jodi did announce this in the beginning of the meeting today. Thank you, Janine for closing us out with that reminder.

Motion to adjourn (Commissioner Alexis), 2nd (Commissioner Green). All approved.

Meeting adjourned 3:08 pm
KO/BEC Coordinator