

# Boston Employment Commission Hearing Minutes

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A monthly hearing of the Boston Employment Commission (**BEC**) was held on Wednesday, March 20, 2019 at One City Hall Plaza, Conference Room 801, Boston, MA 02201.

## **Commissioners Present:**

Commissioner Jorge Martinez, Commissioner Deborah Wright, Commissioner John Redd III and Commissioner Kenell Broomstein.

## **Hearing Begins: 1:00 PM**

Commissioner Martinez chaired this BEC Hearing in Commissioner Watson's absence.

## **I. MINUTES**

February 20, 2019 minutes were approved.

## **II. SPECIAL PRESENTATIONS**

### **A. Renew Boston Trust**

**Duration: 13 mins.**

**Present: Alix Orton, (Honeywell Energy Svs Group), Adam Mullen (COB/Public Facilities Dept.), David Musselman (COB/Public Facilities Dept.) and Claudette Austin (BRJP Monitor).**

### **Project Overview**

**Alix Orton (Honeywell, Project Manager)** explains Honeywell's scope of work (*Energy Conservation Measures in 14 city of Boston owned buildings at various locations*) and provided a handout listing the replacement tasks and subcontractors doing the work. **Commissioner Martinez** asked the estimated number of employees. The reply was about 50. **Commissioner Wright** asked if GC was comfortable they would meet new Ordinance goals. Honeywell stated yes and that all subs were onboard with the understanding of the goals. They provided Claudette a list of the subcontractors and subs BRJP history was researched. **Claudette Austin** states Honeywell has identified 20 subcontractors, 13 have attended a preconstruction meeting, 13 are new to BRJP, 7 have a BRJP history (*to date stats for 5 of the 7 have been provided to Honeywell*).

**Commissioner Martinez:** Concerns, Claudette? **Claudette:** Yes, looking at subs BRJP history, the majority of which perform well below the goals in all areas additionally based on workforce projections submitted for 4 subs (*#s show each sub will have 2-4 workers, only 1 sub will have a Boston Resident, none of the subs expected to have POC or Females*) – recommend Honeywell track subs day to day workforce and address early signs of apparent non-compliance. **Commissioner Broomstein:** What companies? **Claudette:** For April 2019 – June 2019 Quarter - EC P Building Envelope projecting 4 (0% BR/POC/F), Hallmark Electric projecting work in May only, with 4 workers (0% BR/POC/F), Marr Crane & Rigging projected work in May only with 3 workers (0% R/POC/F), O'Connell Plumbing projects work in April only with 2 workers (1 Boston Resident, no POC/F). **Commissioner Martinez:** This doesn't sound positive. **David Musselman:** I'm encouraged. **Alix Orton:** Union/Honeywell doing the best we can to reach out for skilled workers. **Commissioner Martinez:** Claudette, I am concerned about how a project with these early projection numbers will meet the goals. **Claudette Austin (BRJP Monitor):** During pre-con meetings we provided list of resources that includes Building Pathways and Youth Build, Jobs Bank and others, to help in their outreach efforts. **Commissioner Martinez:** Have you done so? **Alix Orton:** We've provided to subs and asked to be cc'd on outreach to resources. **Commissioner Wright:** Contractors awarded is done deal? **Honeywell:** Yes. **Commissioner Wright:** Given this is a City of Boston project, we should be an example. **Commissioner Martinez:** We will hold you accountable to that.

**Public:**

**Janet Jones (Boston Jobs Coalition):** We need these jobs and this is a huge undertaking. Our tax dollars are paying so you must get serious.

**B. Haynes House**

**Duration: 5 mins.**

**Present: Katrina Conrad (Madison Park Development Corp.), Ben Baldwin (Madison Park Development Corp.) Dominic DeChiara, PM (Dellbrook JKS) and Manuel “Manny” Barbosa (BRJP Monitor).**

**Project Review:**

**Dominic DeChiara (Dellbrook):** Occupied renovations (*Interior/Exterior*) Façade Improvements. **Commissioner Martinez:** Expected Workforce? **Dominic DeChiara (Dellbrook):** 60 workers at a given time as this will fluctuate with process of construction. 12 – 14 units, One month to 5 weeks (30 working days). **Manny (BRJP Monitor):** Kickoff was 2 weeks ago. Katrina is a seasoned vet. Dominic and Ben know what they’re doing as well. This is a New Ordinance project and they have set their own goal numbers @ 51/51/12. **Commissioner Martinez:** You realize this is in Roxbury and the community will be watching? We are cognizant this is in the heart of Roxbury and will require any assistance needed to be successful.

**Public:**

**Janet Jones (Boston Jobs Coalition):** Expect it to go well.

**III. PROJECT REVIEWS**

**A. Hood Park Apartments**

**Duration: 22 mins.**

**Present: Tessa Millard (Trademark Boston), Adriane Pina (Lee Kennedy Company), Melissa Coe (Lee Kennedy Company) and Manuel “Manny” Barbosa (BRJP Monitor).**

**Project Overview:**

Current overall #: 140,900 work-hours, 22%BR, 33%POC, 4%F

**Manny (BRJP Monitor):** Corrective Action Meetings will take place 1<sup>st</sup> week of April (See page 3 of BEC report). **Commissioner Martinez:** Can I get feedback from Lee Kennedy? **Adriane Pina (Lee Kennedy):** 19%BR has increased to 29%BR. Initially Lee Kennedy was not supposed to self-perform. As of today there are 5 workers, 2 out of 5 are Boston residents. We will be putting a female on. Expected completion date is June 2019. We had problems meeting numbers in beginning and we’re trying to catch up with finishing staff. The workforce on there will not catch up on the numbers. I have Best Faith documentation as to why. This is second time we’ve been in front of the BEC. The efforts have been there. **Manny:** There were Corrective Action Meetings and Plans early on, but they just weren’t complying. **Christopher Brown (BRJP Manager):** There’s a lot of work in Boston and most workers are working that want to work. BRJP is asking GCs to sponsor individuals in various trades (**Chris references another project with Harvard Science that BRJP monitors who is doing that with Building Pathways and having success - 18-20 students on 1 project**). The subcontractors have an obligation to bring on those we advocate for like Building Pathways/Youth Build and any others. GC’s should use their leverage to reach out and sponsor. **Commissioner Martinez:** Convince me of Best Faith Efforts – give timeline. Seems our good folks at Lee Kennedy are making the effort. **Chris:** Best Faith Efforts can be defined 10 different ways. We encourage sponsorship. **Commissioner Redd:** Have parties involved been cooperative? **Manny:** Lee Kennedy has been compliant in their efforts. **Adriane:** There’s always a catch with outreach for apprenticeship (*Commitment letter issue – subcontractors will not give that*) I’ve been trying a whole year. The numbers don’t reflect the effort. I

have 9 projects and mainly the same on each. **Chris:** Adriane is a good compliance officer. Maybe her superiors should step up and speak with the subs. **Adriane:** Project is at 90%. 12 weeks away from completion.

**Public:**

**Janet Jones (Boston Jobs Coalition):** Just wondering how many are pairing off with WBEs? **Adriane:** I've been looking into that. **Susan Moia (PGTI):** Were subcontractors given the "Finishing the Job" best practices handbook, which includes a check list for subcontractors? **Adriane:** Yes they were given the handbook. Don't have record on their follow-up to the check list. **Susan Moia (PGTI):** Back fill is never going to work. Core crew needs commitment through sponsorship. Come to PGTI with agreement from Union. 500 women in database waiting to go to work. We need to massively put women in the pipeline. We have sharp instruments collectively to develop. Request BRJP consider putting project numbers at top of report and adding a decimal point (*accurate data and mapping point*). I'm going to City Council and recommend renaming this room to honor Chuck Turner (*the person whose name it's for now was in opposition to this ordinance*).

**B. GE NECCO Building**

**Duration: 8 mins.**

**Present: Cindy LaCroix (Aecom), David Cullinane (Consigli), Kacey-Ann Satchell (Consigli), Alex Carr (Consigli) and Pamela Ruffo (BRJP Monitor)**

**Project Overview:**

Current overall #'s: 149,915 workhours, 32%BR, 39%POC, 6%F

**Pamela Ruffo (BRJP Monitor):** In regards to payroll submissions, Kacey sends reminder one week prior to due date. This project is 100% verified for Boson residents. They are not adding to their crew (*will not be going to the union hall*) but will maintain as they decrease. Daniel Koury committed to bring back female who is a referral and is currently on maternity leave. **Commissioner Martinez:** Sounds like you're doing a good job.

**Public**

**Janet Jones (Boston Jobs Coalition):** This gives great hope to what can be done.

**C. Coppersmith Village Phase III**

**Duration: 34 mins.**

**Present: Josh Kasten (NOAH CDC), Amy Thompson-West (Tocci Bldg Corp), Joseph Ferolito (Tocci Bldg Corp) and Robert Woodson (BRJP Monitor)**

**Project Review:**

Current overall #'s: 37,893 workhours, 25%BR, 74%POC, 7%F

**Robert Woodson (BRJP Monitor):** Since preparing today's report there have been 3 additional Boston residents verified and 2 reported incorrectly that have been removed. **Commissioner Martinez:** What is the completion % of project? Amy West (Tocci): 95/96% complete. **Commissioner Martinez:** Given information reviewed, were there any barriers for this project that prevented you from having better numbers? **Amy:** Coppersmith Village is the 1<sup>st</sup> BRJP project Tocci has built in Boston. It's been a learning curve and we do have to do better job planning. We must find a better system to assure subcontractors do their job. **Commissioner Martinez:** NOAH given your relationship, you weren't prepared? **Josh Kasten (NOAH):** We were. It's in our contract. We advertised. We absolutely intended to comply. Don't know what happened. **Commissioner Martinez:** Where's DND's representative? **Amy:** I get DND and BRJP confused. We did not have a close relationship with DND and I reached out to BRJP at very beginning and asked for referrals to identify – 2 months ago reached out to talk about this project and another. I had a constructive conversation with BRJP and they were very helpful to me. I want to take this lesson on future projects. **Commissioner Martinez:** Chris? **Christopher Brown (BRJP Manager):** We're not happy with these numbers. I appreciate the meeting that was called. We did provide resources and do for all projects, however, it is not our obligation to staff a project. We have history on most contractors that can be

researched before awarding. Moving forward, we gave Tocci suggestions at that meeting on doing better with outreach. For example: Bringing in individuals and interviewing them. **Robert:** 2 projects running simultaneously, series of Corrective Actions meetings held, Payment requisitions withheld. There was a lot of contention with this project. Amy really has stepped up engaging contractors. Differently from phase II, but unfortunately it hasn't improved the numbers. It would be worthwhile to revisit conversation with DND on disbursing funds to these projects. **Commissioner Martinez:** Strongly advise that DND be requested to attend every BEC hearing going forward. If we are to judge others, we must judge ourselves first. **Commissioner Wright:** Amy my biggest frustration is the "after the fact". What will you do differently? **Amy:** 30 days in advance bring subcontractors in and train better on Best Faith Efforts. More concerted effort to meet with community groups. Recently I attended an event with Robert regarding outreach to older adults. I'd like to build on that concept and outreach to 6, 7 and 8 graders and go into schools and plant interest in the Construction Industry. Non- Union outreach. **Commissioner Wright:** Check list before getting started and before awarding, find people who make it work, best practices, when you're starting is when you need to have that plan. Make better decisions up-front. **Commissioner Broomstein:** Note, in reference to Non-union outreach comment, whether non-union or union, a contract is still signed. **Commissioner Redd:** Tocci should sponsor Jobs Fair. The community is rich with folks. **Amy:** This is something I've been thinking about. **Commissioner Wright:** Wentworth recently had a fair. **Amy:** We do have interns from Wentworth. **Robert:** Important to have one person dedicated to one specific task so not to be stretched thin. **Joseph Ferolito (Tocci):** Old faithful subcontractors should not have been brought on – that's on me.

#### **Public:**

**Susan Moia/Janet Jones (PGTI/Boston Jobs Coalition):** There are over 7,000 apprentices in this state (*all union there are no –non-union apprentices*). We find it odd so many people of color are not Boston residents. Where are they coming from? **Amy:** Overall this project has 70% people of color. **Susan/Janet:** Those people of color are not Boston residents. Where are they coming from? **Tocci:** Dry Wall/Frame – Western, MA – Interior – Worcester – Excel – Fitchburg. **Susan/Janet:** There's a red flag! **Commissioner Broomstein:** Is this certified payroll? **Amy:** No just manpower – only trades. **Chris:** Typically, for example, it's a company from Lawrence and crew is people of color. **Commission Broomstein:** That also brings wage theft and undocumented workers. **Susan:** Roofers? **Janet:** 30 Boston residents 10 verified – big problem there. I hope you don't come back. **Susan:** Does Tocci have a history? **Robert:** No. They haven't self-performed and BRJP only keeps data of self-performed contractors. **Amy:** Not aware that verifications were behind. **Commissioner Martinez:** NOAA is well known in East Boston and also to blame. This is not just Tocci. The non-profit is letting the community down. **Janet:** I will be calling DND this week.

#### **D. Boston Children's Hospital Clinical Building**

**Duration: 14 mins.**

**Present: Anne McDonough (Children's/Harvard), Margarita Polanco (Suffolk), Brooke Woodson (Suffolk) and Vargas DaSilveira (BRJP Monitor)**

#### **Project Review:**

Current overall #'s: 128,647 workhours, 23%BR, 29%POC, 5%F

**Vargas DaSilveira (BRJP Monitor):** The project is roughly 15% complete. More resident verifications came in after the BEC report was written and should significantly put the numbers up. **Commissioner Wright:** Late payroll submissions? **Brooke Woodson (Suffolk):** Since that time, Liberty has new compliance person, Paula Guity. **Margarita Polanco (Suffolk):** We have been using the recommendations and will see increases in core crew with Boston resident and people of color. Had issues in beginning which impacted those numbers. **Vargas:** On average it's 4-7 days. **Brooke:** This is a unique project that's posed unique issues. **Jason Lansberry (Suffolk):** Regarding Boston resident verification – we now have a badging program requiring badge or not allowed on site. **Margarita:** We're pushing informational sessions for OSHA – working backend on workforce. **Commissioner Martinez:** That push is for all projects? **Margarita:** Yes. **Brooke:** Singing from Susan Moia handbook. Hot 96.6, Tradeswomen – Women's Week and Community Partners.

**Public:**

**Janet Jones (Boston Jobs Coalition):** With this track record, how will you staff Winthrop Center? **Brooke:** Winthrop Center is off to great start @ 48% BR, 28% POC and 16%F. We're in the ground. Our focus is on the Clinical Bldg.

**IV. DIRECTOR'S REPORT:**

**Duration: 11 mins.**

**Christopher Brown (BRJP Manager):** 3 items to speak to:

**1. Salesforce**

Happy to say Equity and Inclusion/BRJP is moving to a new data collection system by way of Salesforce. There will be a demo viewing tomorrow, 3/21/19. This system will allow us to work smarter not harder and create less paperwork (*environmentally friendly to the trees*).

**Commissioner Wright:** Are you hiring someone to help with input and when is the launch for this system? **Chris:** Yes, they are here today and are working with BPDA. The estimated date of launch is mid-summer. There will be outreach to the BEC and appreciate any suggestions you have. **Commissioner Wright:** An "At a Glance" ability would make it easier if we could compare data from one review to the next. **Commissioner Broomstein:** Would like to be able to get more real-time update on resident verifications and percentage numbers of Boston Residents, People of Color and Female 1 – 2 days before BEC hearing.

**2. Dudley Branch Library Renovations**

Missed Corrective Action Meeting and we are working out logistics regarding late payroll submissions and sanctions to set up meeting for a deeper conversation.

**3. Congratulations!**

Commissioner Travis Watson and his wife have a new baby boy!

**Commissioner Martinez:** DND's absence today is a concern. If there's no person from the city to represent, presentation should be canceled. We need to send a strong message this is no longer acceptable and they need to show leadership.

Director's report accepted and approved.

**Hearing adjourned at 2:47 pm.**