

Boston Employment Commission Hearing Minutes

A monthly hearing of the Boston Employment Commission (**BEC**) was held on Wednesday, October 17, 2018 at One City Hall Plaza, Conference Room 801, Boston, MA 02201.

Commissioners Present:

Chair, Commissioner Travis Watson, Commissioner Mark Fortune, and Commissioner Deborah Wright

Meeting Begins: 3:01 PM

I. MINUTES

Commissioner Watson called the hearing to order. **Due to lack of Quorum, September minutes and Directors Report could not be approved.**

II. SPECIAL PRESENTATIONS

A. 1392 Dorchester Ave. Renovations

B. 17-23 Faulkner Street

Duration: 17 mins.

Present: Eric Fellingner (VietAid) and Madeline Stein (Trinity Management) and Robert Woodson (BRJP Monitor)

Project Overview

- A. The scope of work for **1392 Dorchester Ave.** project consists of renovations to the building's exterior and improvements to interior areas including occupied units and common areas and does not warrant a relocation of residents. These repairs are necessary for building stabilization. We will install new fire safety devices; make front lobby upgrades, including a new intercom and mailbox. We will replace outdated security equipment with modern cameras and equipment. The exterior work includes building foundation, sill repairs and front façade replacement. Re-surface ground floor common areas, kitchen floors, 2nd floor kitchen countertops, replace 32 windows and paint front hall and lobby.
- B. The scope of work for **17-23 Faulkner Street** project consists of renovations to the building's exterior and improvements to interior units and common areas and does not warrant a relocation of residents. These repairs are necessary for building stabilization. We will install new fire safety devices in units and replace appliances. The exterior work includes repair/replacement of porch rails, entry doors, trim, soffit and fascia boards followed by a power wash of the building's exterior and a fresh coat of paint.

Funding for both projects include a grant from the city's 2030 Imagine Boston initiative.

Madeline Stein (Trinity Management) is the Construction Manager and Compliance Officer for both 1392 Dorchester Ave and 17-23 Faulkner Street projects. **Eric Fellingner (VietAid)** showed a rendering of the projects and additional photos. It was stated that 5 companies have been awarded: Tri Construction Company, Inc. (Concrete/Masonry), Progressive Electrical Systems, Inc. (Electrical), Abel Floor (Flooring), Jackson Glass (Windows) and Escazu Development (Carpentry). Eric stated that workforce outreach has been advertised in English, Spanish, Creole and Cape Verde. **Commissioner Watson** asked if there was language in contract to withhold payment. **Eric** replied yes, and further stated that DND requires it. Eric mentioned percentage #'s of Boston residents, People of Color and Female participants in the project which he will provide and Commissioner Watson stated he was interested in seeing the numbers. **Madeline** states they have 17 employees and expressed that there is a challenge with female numbers. **Commissioner Watson** stated that there are two areas that he has found to be more challenging, especially to smaller shops, which is pre-con meeting attendance and timely payroll submissions. **Eric** expressed that they had 100% attendance for pre-con meetings and provides a sample payroll format to their subcontractors. **Commissioner Fortune** asked if there was prevailing wage and the reply was no.

Commissioner Watson asked Robert for his initial assessment and he expressed that he is fairly confident. The only aside is the female challenge. **Commissioner Fortune** asked if contractors are local. Robert stated there is no history on them. **Madeline** stated that 4 of the 5 subs awarded are located in the city of Boston. **Commissioner Watson** expressed that Madeline appeared to understand where the challenge is as she identified it and emphasized the importance to reach out to Robert and to document the process of this project.

Public:

Janet Jones (Boston Jobs Coalition): stated she lives near this project and mentioned the issue of getting People of Color and also safety concern with smoking on site. **Madeline** stated that 3 of 5 are MBEs and they do take priority in safety. They've worked to rectify the past accident that happened. (This was in reference to Janet's question on the Ashmont TOD II project).

A. Brookview House III

Duration: 18 mins.

Present: Siobhan Coffey (MOCC), Walter Varela (MOCC) and Robert Woodson (BRJP Monitor)

Project Overview:

Current overall #: 4,071 work-hours, 15%BR, 73%POC, 4%F

Commissioner Watson: Language in contract to withhold payment? **Siobhan (MOCC):** Yes. **Commissioner Watson:** Was payment withheld from Galloway? **Siobhan:** Everyone is up to date with reporting since coming to this meeting. **Commissioner Watson:** Although under Old Ordinance, has withholding payment been used for Boston One Carpentry? **Siobhan:** Currently they have not received most recent payment. We hired Boston One Carpentry a MBE out of Everett. Since our talk with them they picked up 2 female workers. St. Croix is not on site since 7/26/18. We did have a walk-on that was a suitable candidate and lives around the corner from project. **Commissioner Watson:** St. Croix put you/project in a major hole to start off. **Siobhan:** Devon Heating and Plumbing 100%POC and 0%F, Kyne Roofing coming on site. Will only be there 10 days total - 5 Employees 3 BR, 2 POC. This is not a prevailing wage project. Females aren't interested. Women in construction industry are doing what I'm doing. Contacted Jobs Bank, no luck. **Commissioner Watson:** Good handle on project. I encourage you to connect with Susan Moia. Geo Electric – MBE, WBE (?), Professional Fire System/Pro-Contracting. We still have a large percentage of work remaining; we can remedy this (**currently at 32% complete**). **Robert Woodson (BRJP Monitor):** Looking for concise plan going forward with those coming on site. With information presented, we can't go off hypotheticals. Need more concrete plan. **Commissioner Watson:** Would like Workforce Projections and Identify remaining trades coming on. **Commissioner Fortune:** Other contractors? **Siobhan:** Of our contractors, MBEs - Geo's Electric, Devon Plumbing, Pro Contracting, Boston One Carpentry, TB Construction, G & N Engineering and WBE - Professional Fire System. **Commissioner Watson:** A focus on Boston Residents is important. **Siobhan:** Our company self-performed for two weeks.

Public:

Susan Moia (Policy Group on Tradeswomen's Issues): Efforts we're making – 625 women union apprentices in this state, 43 non-union women in this state. Women are being checker boarded. 2 Contractors pose problem with women, St. Croix and Galway (No women and no history with BRJP). Subcontractors are more vulnerable with BRJP goals. What needs to happen – plan to train contractors before putting shovel in the ground. Numbers in city for women are not moving. Union is doing it, Non-union isn't.

Commissioner Watson: Come back in January 2019.

B. South Bay Development Phase II

Duration: 25 mins.

Present: Zack Shuczysler (Pritzker Realty Group), Adriane Pina (Lee Kennedy), Peter Ghirardini (Lee Kennedy), Pedro Pire (Tara Construction), Mike Spring (Ryan Iron Works) and Manuel Barbosa (BRJP Monitor)

Project Overview:

Current overall #'s: 454,089 workhours, 22%BR, 26%POC, 3%F

Commissioner Watson: What's the biggest problem? **Pedro (Tara Construction):** Candidates. **Commissioner Watson:** Speak to the issue of documentation. **Pedro:** I try to do what's required in that regard and I'm not one to be untruthful or cook the books. **Commissioner Watson:** Is there an opportunity to bring on an administrative person to help with the paper work. **Manny (BRJP Monitor)** stated that after the Corrective Action meeting that was held, all that was asked for was a follow-up letter and that was not met. **Pedro:** That won't happen again. **Commissioner Watson:** Adriane, what is being done with the Corrective Action letters? The letters that has been given to BRJP as corrective plans, in my estimation seems to be more to lip-service. **Adriane (Lee Kennedy):** I review the plans and payroll and if they're not doing what is required, I recommend another Corrective Action. I'm just as frustrated. **Commissioner Watson:** I recommend by way of Best Practice for BRJP Office, if Corrective Plan does not address the issue, **do not accept** as a Best Faith Effort. **Manny** stated that Commissioner Cofield had also attended the Corrective Action meeting. In response to Commissioner Watson's question about withholding payments, **Peter Ghirardini (Lee Kennedy)** replied that withholding payment was not done because they provided Best Faith Efforts documentation. **Commissioner Watson** suggests taking Best Faith Efforts out of the equation and develop language that requires an expectation and steps to achieve the BRJP standards. Commissioner Watson asked subcontractor, Mike Spring (Ryan Iron Works) about challenges they have. **Mr. Spring** commented that he realizes he's behind and has 4 Boston residents and people of color on site but it's been sporadic and he hasn't been able to keep it steady. **Commissioner Watson** asked if he reached out to the halls. **Mr. Spring** replied that he had not. **Commissioner Watson** expressed that he appreciated Mr. Spring's honesty; however, it was not acceptable that he is not reaching out to the union halls. **Mr. Spring** expressed he didn't think it made sense at the time and referenced two occasions he did not have successful referrals from the halls. **Commissioner Watson** asked for the completion status of this project. **Reply:** It is at 60% complete. **Christopher Brown (BRJP Manager):** Important for Lee Kennedy to look at contractors that didn't perform well. **Commissioner Wright:** We do have ability to run those history reports and that's a good starting point. **Commissioner Watson:** Is Adriane part of Lee Kennedy's Purchasing Dept.? She could be beneficial to your team in that regard. **Adriane** replied that she is not involved in purchasing. **Manny:** Vinny Coyle from Local 7 mentioned at our previous BEC meeting that he had female iron workers. **Commissioner Watson:** Huge opportunity. Adriane how confident are you? **Adriane:** I'm not feeling very confident, at this time, perhaps by 75% will be feeling better. **Commissioner Watson:** Please let us know so we can help you.

Public:

Janet Jones (Boston Jobs Coalition): Sad report. This is an upscale project and I don't see much diversity. Dig deep, get going, other contractors are doing it, you can.

Chief John Barros (Office of Economic Development): On behalf of this project and projects at large, and on behalf of Mayor Walsh, we are not taking the Boston Residence Jobs Policy lightly. We have a New Ordinance and we are going to be more stringent on how we look at performance. If you do not want to commit to the BRJP standards, don't bid. In regards to Inclusion and equity, we want to do business, but not to the detriment of residents of our city. **Commissioner Watson:** Thank you for your support Chief Barros.

C. Parcel K Garage/Residential

Duration: 26 mins.

Present: Michael Foster (Lincoln Property Co), Brooke Woodson (Suffolk), Corey Allen (Suffolk), Brian Regan (Suffolk), Nolan Jacques (Liberty) and Pamela Ruffo (BRJP Monitor)

Project Review:

Current overall #'s: 50,038 workhours, 28%BR, 34%POC, 4%F

Commissioner Watson addresses representative from Liberty Construction and asked what his role is. **Reply:** Nolan Jacques, Project Manager for Liberty. **Commissioner Watson** expressed that the blatant disregard for

Boston Residents is over. Historically Liberty's Boston Residents' hiring stats is 22% (111,000 workhours). He further referenced a recent corrective action meeting he attended with Liberty and thought it went well, however, he wanted to point out **4 things** he is leaning to believe: **1. Liberty wasted my time, 2. Liberty doesn't know how to increase numbers,(this suggest incompetence) 3. Liberty doesn't care and 4. Liberty doesn't take BRJP Ordinance seriously.** I would like to have had someone higher up from Liberty, who would that person be? **Nolan: Chick Fagan. Commissioner Watson:** Liberty's motto on your website states "Setting New Standards", however, that doesn't seem to apply to BRJP. Moving on to J.Derenzo. Is it a capacity issue? **Brooke Woodson (Suffolk):** Workers are stretched very thin due to volume of construction. Commissioner, if I can go back to Liberty. Liberty is undergoing reconstruction from top to bottom. Hard conversations are taking place internally. There was a senior person coming to this meeting who got stuck in traffic. **Commissioner Watson:** Strikes me a bit cowardly that you (Nolan) were put in this position, they should be here. **Commissioner Wright:** Consider this an opportunity Nolan. This is nothing new. Put a strategy in place when bidding. Practice time is over. Doing same thing is not going to make it better. **Commissioner Fortune:** Who's driving the bus? There is unemployment in the trades. Biggest thing is Liberty is subsidiary of Suffolk and will use them on every job, hopefully Suffolk has seen the light. **Commissioner Watson:** Pam, when you reach out to Chick Fagan, I would like concrete action items to increase Boston Resident numbers. **Pam (BRJP Monitor):** Would you like to set up as we did before? **Commissioner Watson:** I'd like to check in with Chief Barros to see if there's someone else higher to meet with. **Christopher Brown (BRJP Manager):** Suffolk has new team and bringing in additional compliance people. Working with BRJP to stay in contact once a month (**meetings or documentation**) will show company's effort to diversity. We're not asking to hire people who don't live up to the expectations. Whoever comes to meetings should come with plan that has specific names of people to hire. **Corey Allen (Suffolk):** Liberty – Concrete (70%) /General Condition (50%). Where there are opportunities, we will reach out to Building Pathways and other apprenticeship programs. **Pam:** Project expected to be at 25% complete in November 2018, 50% complete in April 2019 and roughly 16 months remaining until completion. Will schedule Corrective Action Meeting and will speak to Chief Barros office to include him.

D. Dudley Branch Library Renovations

Duration: 25 mins.

Present: James McGaffigan (Public Facilities Dept.), Jeff Hazelwood (CTA Construction), Claudette Austin (BRJP Monitor)

Project Review:

Current overall #'s: 9,478 workhours, 26%BR, 45%POC, 5%F

Construction is 20% complete

Commissioner Watson: Would like "Enforcement of 7 Compliance Efforts" to be a standard on BEC Reports. Jeff, lots of respect for you coming. Project started really poorly. Whatever you have done to improve that is good. I didn't expect to see such improvement in a short period of time. Is Select Demo a file sub? **Jeff Hazelwood (CTA Construction):** No, of the 5 major contactors, PJ Kennedy and Wayne Griffin Electric are file subs. **Commissioner Watson:** What are you doing to address subcontractors? **Jeff:** We have been meeting with them. Today we have 52% Boston Residents on site. **Commissioner Watson:** What did you do, directly? **Jeff:** John Andreas persisted with subcontractors to look at daily staffing on project and reached out to Union BAs. We met with Chief Barros and Pat Brophy last week which was helpful. **James McGaffigan (PFD):** Chief Barros was very gracious and emphasized if we need help, call. **Commissioner Watson:** Claudette/Chris? **Christopher Brown (BRJP Manager):** Payroll submission will continue under review until it is complete. Since August 2018 BEC meeting to date, payroll submission time average 6 days. We attend meetings with Boston Jobs Coalition (BJC) members. We've had help from Chief Barros, Pat Brophy and Commissioner Cofield - we're satisfied #'s are trending up. **Commissioner Watson:** This is CTAs 1st BRJP project. Recommend CTA start documenting your process with this project? Any lessons learned would be a huge asset for others. **Claudette (BRJP Monitor)** acknowledged CTAs effort in attending the Roxbury Strategic Master Plan Monitoring Committee (RSMPMC) meeting. August 2018 BEC review numbers were 19%BR, 14%POC and 6%F, since 8/15/18 - 10/5/18 the numbers are 40%BR, 40%POC and 2%F. Project continues to struggle with Female numbers and we suggested they reach out to Policy Group on Trades Womens' Issues (PGTI). **Commissioner Watson:** Looks like you've stepped up in a very collaborative effort. Recognizing this is a public project and stepping up is real progress. I commend you and encourage you not to lose momentum. **Commissioner Wright:** Just want to echo importance of documenting! Commend Claudette on BEC

Report showing increase to decrease and vice versa (*would like to see on future reports*). **Commissioner Fortune:** Are you seeing Clerk of Works daily logs? **Claudette:** No. **Christopher Brown:** There are no workers being provided from Roxbury Oversight. **Commissioner Fortune:** If this job was in Brighton you would not have this problem.

Public:

Janet (Boston Jobs Coalition): This is a key project. We were discouraged and excited to hear that Public Facilities and higher ups were getting involved. I think phone calls from higher ups were extremely important. Establish walk-on hiring process model like Bartlett B. **Commissioner Watson:** Janet, you're also a huge reason this project is being held accountable. **Janet:** Gave CTA information on upcoming Building Pathways open house, hope they take opportunity to go - we want to see this be a win win for everyone. **Tim Fandel (BA Local 12):** Direct communication with contractors is an important tool, if you don't have relationship with BA or BM of unions you're doing yourself a disservice. **Commissioner Watson:** Thank you for being here, Tim, hopefully you and I can connect. **Commissioner Watson:** Claudette when will this project come back before BEC? **Claudette:** January/February. **Commissioner Watson:** Send out statistical reports in a month or so. I'm encouraged, but would like 5-6 weeks stat reports. **Jeff:** Can we get a history report on contractors? **Commissioner Watson:** That information is available on BRJP website.

III. DIRECTOR'S REPORT:

Duration: 12 mins.

Christopher Brown (BRJP Manager/Interim Director): November BEC falls on day before Thanksgiving, it was agreed there will be no BEC Meeting for November. We will resume on December 19, 2018. Starting January 2019, BEC Hearings will begin at 1:00pm - 3:00pm. A New Director for Equity and Inclusion unit has been hired and is expected to be introduced at December's hearing.

Director's report to be approved during December 19, 2018 BEC Hearing.

Hearing adjourned at 5:02 pm.