

Boston Employment Commission Hearing Minutes

A monthly hearing of the Boston Employment Commission (**BEC**) was held virtually on Zoom, July 21, 2021.

Commissioners Present: Commissioner Travis Watson, Commissioner Kenell Broomstein, Commissioner JocCole “JC” Burton, Commissioner Aisha Francis and Commissioner Priscilla Flint-Banks

Hearing Begins: 1:05 PM

I. MINUTES

June 16, 2021 minutes accepted and approved (motioned by Commissioner Burton, 2nd by Commissioner Francis and approved by all).

II. SPECIAL PRESENTATIONS

A. 7199A McKinley School Roofing Replacement

Duration: 7 mins.

Present: Carleton Jones (Public Facilities), Tom Kazmowski (Public Facilities), Ronald Bujold (Reliable Roofing and Sheet Metal) and David Goguen (Reliable Roofing and Sheet Metal) and Manuel Barbosa (BRJP Monitor)

Project Overview

David Goguen (Reliable Roofing and Sheet Metal): We are in weekly contact with the Union in outreach for Boston residents and have no control over availability. We’re doing our best. We hired a female crane operator from Local 4 (Full-time). There are 2 file sub-bids that are WBEs (Window and Folan Waterproofing).

Commissioner Watson: Has your company done other projects under the BRJP? **David:** I’ve been with the company 2 years. This is my first BRJP project. I know my company has done work with the City of Boston but not sure if it has been under the BRJP. **Commissioner Watson:** Are you familiar with the BRJP compliance paperwork process (ie, payroll, compliance efforts)? **David:** We just did the Brighton Police station 2 months ago which had BRJP compliance so we are familiar. Do we obtain our Project ID# at this meeting? **Manuel Barbosa (BRJP Monitor):** The Kickoff meeting for this project is tomorrow and the Project ID# will be given at that time.

Commissioner Burton “JC”: I noticed 3 out of the 5 Buyout awarded subcontractors are outside of the city (**Aluminum Frames Storefront, Boxford, MA - HVAC, Weymouth, MA – Electrical, Marshfield, MA**). Are they aware of the Boston resident and Women hiring policy and clear on the BRJP guidelines? **David:** Yes, they are very aware and have been notified to attend the BRJP meeting.

B. McConnell Park

Duration: 8 mins.

Present: Cathy Baker-Eclipse (Parks and Recreation), Brandon Kunkdel (Weston and Sampson Design), John Fleming (Fleming Bros. Inc.) and Patricia Maragioglio (BRJP Construction Monitor)

Brandon Kunkel (Weston and Sampson Design) 4 yr + project to improve existing McConnell Park. John Fleming (Fleming Bros., Inc.): The project is just starting with 3 people on the payroll. **Commissioner Watson:** Do you perceive any difficulties meeting the BRJP goals? **John Fleming:** We have 66% BR. **Commissioner Flint-Banks:** No questions currently, my hope is that they abide to the ordinance and present a successful project. **Commissioner Burton:** As the City continues to build, there’s an educational component and Brandon touched on it in reference

to the seawall. This is helping with the resiliency as a city and I hope that significance of sustainability is being communicated to the workforce you have. Mr. Fleming agreed.

III. PROJECT REVIEWS

A. Lenox Apartments I & II

Duration: 21 mins.

Present: Dakota Jones (In Order Business Development Solutions), Rikki Carlson (DF Pray), Patricia Maragioglio (BRJP Monitor)

Project Overview:

14,024 Wkhrs, 91 wrks, 12 contractors, 46%BR, 53%POC, 5%F

Patricia Maragioglio (BRJP Monitor): reviewed project description and overall numerical compliance. Project is at 18% complete. Recommend goals to increase female numbers. **Dakota Jones (In Order Business Development Solutions):** Project duration is 2 –3 yeas (stop and start execution process). DF Pray hosted a job fair on site with the success of 3 different subcontractors hiring 5 residents who are working on this project. We recognize there is room for improvement in female participation and are working towards that. Superior Plumbing has struggled to find female workers and was able to hire a female sheet metal worker 2 weeks ago. **Commissioner Watson:** Was this a Beacon or DF Pray hire? **Dakota:** DF Pray. **Commissioner Watson:** Thank you, Rikki. I can be hard when I believe it's necessary, and I try to give praise when it's due. At a prior BEC Hearing you stated improvements would be made by the time DF Pray came back before the BEC. I rarely see this kind of turnaround and applaud you on this huge improvement. In addition, I want to publicly acknowledge Pedro of Tara Construction for the improvements he too has made. I concur with Patricia's assessment that increase in female participation is needed. In reference to Superior Plumbing, they have been historically challenged with people who identify as women. Barry Keady of Local 12 (Plumbers) emailed me 7 days ago and I know his local has a female. If he's emailing me, I'm sure he's emailing others. Superior has done 64,000 workhours and has only hired 4% women. It appears their approach in bringing on women doesn't have the same urgency as bringing on white men. What has the conversation been with Superior? **Dakota:** Superior is a non-union subcontractor performing in a couple different capacities on this project. They have struggled to find female plumbers as have others. Our conversation with them to rectify this has been on their need to be pro-active and attend every on-site career fair event we host for the community. We have reached out to the Boston Jobs Bank and received candidates for trades, but there were no female plumber candidates identified to consider. **Commissioner Burton:** I'm so encouraged. This is so close on all the numbers and almost there on Boston residents. There's a plan in place for women, however there's a deficiency in electricians with the electrical subs not doing so well, if I read that correctly. This being a multi-year phased project, it would appear there's opportunity for electricians. Commissioner Broomstein might be able to add support on that. What a great champion this could be to mobilize women and it looks like there's time for that. With DF Pray having diversity of women at the top (Rikki and Gina) that's helpful. As with the discussion on Plumbers, I'm curious what's the plan for Electricians? **Dakota:** Commissioner Burton, we agree there's opportunity for this project to hit all the marks. The Electrical company on this project is Richard T. Lorsordo, a union contractor. They have a decent size scope of work and a small crew (4 people – no diversity). At the beginning they struggled overall. We expressed to them they need to diversify crew. It is challenging to attend a job fair as a union contractor and get union candidates. However, we did express this as an opportunity to build the pipeline capacity through awareness (Local 103). They requested 2 BR/F of color from the hall and they received 2 BR/males of color who have remained on the project. Paul Lorsordo expressed that when the next building phase comes on in the Fall, they will reach out to the BA for a female. **Commissioner Burton:** I don't want to leave out men who are leading and I want to acknowledge Bernard (it's just not often we have women leading projects). **Commissioner Broomstein:** I can say for certain there are women laid off at this time, but there are journey women on the list if you call the hall and an apprentice class 2021. I don't think they need to wait for the next project. They know the protocol on outreach. There's a sooner than later solution. **Dakota:** I appreciate that insight and will mention that to Paul Lorsordo in our next conversation. **Commissioner Watson:** As an aside, companies that struggle in certain demographics should consider bringing on a Master Electrician and I would encourage Lorsordo to do that. It has been proven that the rate of retention is good when that's the case. Rikki this was really nice. Please email me as I would like to follow-up with hire-ups at DF Pray and make sure they are aware of some of the efforts you put in place.

Present: Alyson Stein (POAH), Sheryce Hearn (Dellbrook JKS) and Robert Woodson (BRJP Monitor)

Commissioner Burton noted that the previous conflict she had with this project has been resolved and she's able to sit in on this review.

Project Overview:

26,930 wkhrs, 413 workers, 7 Contractors, 22%BR, 43%POC, 7%F

Robert Woodson (BRJP Monitor): This project is 25% complete, 100% Boston residents verified, exceeding People of Color@ 43% and the 7 compliance efforts are in compliance. **Sheryce Hearn (Dellbrook JKS):** We are aware of the serious improvements needed on this project and in particular Sagamore (looking to improve over next month). Kudos to the team and POAH for hands on approach engaging with subcontractors directly.

Commissioner Watson: Did I understand Sheryce in saying you are in direct conversation with the subcontractors?

Alison Stein (POAH): We meet with certain subcontractors, Sheryce and Dellbrook team every 2 weeks to stay informed on the numbers and where to improve and have had preemptive calls with Sagamore and J Derenzo to realign their goals with our goals and make clear to them our priority to meet or surpass the BRJP goals. There's still quite a way to go on the project and we look to improve the Boston resident and women numbers.

Commissioner Watson: It's rare the developer has that touch on a project. There's a different tone from the developer talking to the subs and it leads to increased outcomes around compliance. **Alyson:** It's good for them to hear it's a priority of the owner and not just the GC. **Commissioner Watson:** I also wanted to recognize this is another Tara construction project – 2 projects over 50 employees close to full compliance. This is commendable and I will reach out to Pedro to express that. I have continual frustration with Derenzo and Margarite and their blatant disrespect of the BRJP Ordinance. No willingness to use tools of the ordinance to sponsor apprentices beforehand if they recognize goals will not be met. It's disrespectful to those who this ordinance was designed for. It's exhausting to the BEC (No accountability enforced). It puts GC's and Developers in a tough position when they are forced to pick from subcontractors that are historically non-compliant. **Commissioner Flint-Banks:** I agree with Travis (Commissioner Watson). The same bad apples continue to get the work. The Commission has to put something together to impact them in their pocket. It's not fair to the community walking by these projects with a workforce that doesn't reflect the community. **Commissioner Burton:** A reminder this is an Open Shop project. How is it that you're awarding to subs/trade contractors that don't perform, when you have a project so important to POAH? **John McGinnis (Dellbrook JKS-PM):** Conversation on Open Shop/Union is above my head. Margarite and Derenzo are union. I would love to steer away from those who don't perform, if I knew of others who perform better. **Commissioner Watson:** Business Agents from those locals force subcontractors to hire a workforce non-reflective of the city/communities they are working in and don't meet the goals of the ordinance.

Public:

Janet Jones (Community Advocate): Margarite has been non-compliant for as long as anyone can remember. They are rude and flaunt the fact they don't meet the goals and continue to get the work. **Anonymous:** I assume there is a list of top performing trade contractors in each category? If so, can you make available for Construction Manager? **Celina Barrios-Millner (Chief of Equity and Inclusion):** We can provide the Contractor History (past 20 years). **Christopher Brown (BRJP Manager):** We have historical information on the BRJP Website. You can contact me or any BRJP staff for specific Contractor or Trade. **Commissioner Watson:** I'd like to note the bizarre juxtaposition in the creation of this ordinance. There were legends like late Councilor Chuck Turner and Tito Jackson's father fighting to get black and brown people on City of Boston construction projects. We now have white union members fighting and bullying their way to get companies that don't hire Boston residents, People of Color and Females. **Commissioner Flint-Banks:** It was the late Bruce Bolling who was the author of the BRJP Ordinance and it's our duty to ensure the enforcement of the policy. We have to do something different because what we've been doing is not working. **Commissioner Burton:** What are the contractual tools? **Sheryce:** We have the ability to withhold payment for non-compliance. **Commissioner Burton:** They are not in compliance, so they haven't been paid? **John Guinnis:** According to Robert, the 7 Enforcement Compliances are in compliance and the

verbage used in the BRJP packet accommodates the percentage goals with Best Faith Efforts. I may be speaking out of turn. **Commissioner Watson:** It is unfortunate that the ordinance was written in a way to allow these types of companies to get away with non-compliance. The Best Faith Efforts for the most part produce .0001% towards the workforce goals. **Commissioner Burton:** Hopefully POAH will take some action to address the loophole that provides the 2 bad apples on this project to continue to get the work and be paid when they are not meeting the essence of the BRJP (51%BR, 40%POC, 12%F). **Commissioner Watson:** Locals don't share the numbers of black people or females they have.

B. Dudley Terrace Apartments

Duration: 15 mins.

Present: Jen Poles (Landmark Structures), Tim Caplice (Dorchester Bay Economic Development), Beverly Estes-Smargiassi (DND), John Feuerbach (DND) and Robert Woodson (BRJP Monitor)

Commissioner Watson recused himself – his employer, MHIC, finances this project. Commissioner Burton chaired.

Project Overview:

8,086 wkhrs, 97 workers, 12 Contractors, 33%BR, 83%POC, 15%F

Robert Woodson (BRJP Monitor): This project is 50% complete. Payroll is 15-days outstanding; Boston Resident Verification is 5 out of 43. Landmark Structures is self-performing and leading by example with 52%BR, 96%POC and 49%F. **Commissioner Burton:** Is Landmark doing painting or carpentry and labor only? **Jen Poles (Landmark Structures):** Landmark is performing some drywall, general finish carpentry and labor. **Commissioner Burton:** Kudos for doing such a good job – so close on Boston resident numbers. What is the timeline for completion? **Jen:** October/November 2021. **Commissioner Burton:** Interior trades remaining? **Jen:** This is vastly an interior project (Kitchen and Bathroom) with select whole unit renovations. **Commissioner Burton:** Do you foresee making up the gap of 33%-50% by year-end? **Jen:** I'm working with Robert to send non-compliant contractors to upcoming info session and job fair next week. We're bringing another contractor on for the last 2 buildings (Hardy Sidings). They should add to the Boston resident and People of Color numbers, but not sure of the female numbers. **Commissioner Burton:** I'm thrilled to see this project be a model for people of color and women and I certainly want to see as much for Boston residents. Is this project on Salesforce? **Robert:** This project is being monitored on the old Access database. **Commissioner Burton:** I saw this project and the previous one has longer duration in payroll. Is that causing it? **Robert:** I would have to go back and look at log reports. **Jen:** I will have that checked with our office administrator (Evelyn). There were a few weeks of no work due to 6 -8 units at a time (phased project). This could be adding to the lag. **Commissioner Burton:** Because there's a down period/lag, it would provide opportunity to increase BR#s. **Jen:** Tim can speak to the BR numbers. **Tim Caplice (Dorchester Bay Economic Development):** Landmark has increased BR numbers by 10% from 25% (December 2020 – 6/30/21). We're at 35% and ½ way done. **Robert:** I'd like to point out that Boston verifications are outstanding. **Commissioner Burton:** I was going to address that point as well. That can move the numbers either way. In any case the most that could possibly be obtained with less than 6 months remaining is about 41%. Are there any other strategies/tools you would like to add? **Jen:** We reach out to the BRJP (Robert), we take applications on site and distribute accordingly. In this strange year with COVID, applications have been scarce. However, we are on the uptick. **Commissioner Flint-Banks:** We hear about COVID at every BEC. This was an issue before COVID. I will continue to reiterate; something must be done differently because the system in place is not working. We will figure it out. **Jen:** I wasn't using COVID as an excuse. In my 20-year career with Landmark, I've never seen zero applicants off the street. **Commissioner Burton:** The pandemic has certainly compounded things and made us think of ways to do things differently. **Jen:** We have shifted and updated our website to include a way to apply online and a phone number for applying as well because of COVID. **Commissioner Burton:** Thank you for your presentation. Commissioner Watson is returning. Celina is there any follow-up requests made by the Commission from previous hearings on the agenda to discuss today or need to be? There have been some emails circulated offline, and I would suggest we have a space on the agenda to officially note follow-up requests from the BEC going forward. **Celina:** There is nothing today. We will bring to the attention of the BEC Coordinator and make space on the agenda going forward.

IV. DIRECTOR'S REPORT:

Duration: 9 mins.

Celina (Chief of Equity and Inclusion): I do have information that is in line with Commissioner Burton's comments. We have received guidance from the City's law department to establish the process to draft BEC policies for sanctioning. We will be convening 2 working group meetings between now and the next BEC Hearing to include a representative from the Commission, Community stakeholders and expertise from BRJP/BPDA. The policy will be presented to Commissioners and Public in August - Public comment period for final draft (30 days) - Adopt new policy at the September 2021 BEC. We will be reaching out to folks on the BEC and advocates to effectively sanction through the BEC. In addition, a new policy to create a list of repeat offenders as it has been expressed in numerous BEC Hearings. A list of non-compliant contractors with the BRJP city departments can consider when awarding.

Director's report accepted and approved (motioned by Commissioner Broomstein, 2nd by Commissioner Burton and approved by all.

Meeting adjourned: 2:36