

Boston Employment Commission Hearing Minutes

A monthly hearing of the Boston Employment Commission (**BEC**) was held virtually on Zoom, June 16, 2021.

Commissioners Present: Commissioner Travis Watson, Commissioner Kenell Broomstein, Commissioner Carlos Espinoza-Toro, Commissioner Charles Cofield, Commissioner JocCole "JC" Burton and Commissioner Aisha Francis and Commissioner Priscilla Flint-Banks.

Hearing Begins: 1:05 PM

I. MINUTES

April 21, 2021, minutes (moved by Commissioner Burton, 2nd by Commissioner Francis) approved and accepted by all Commissioners.

May 19, 2021, minutes (moved by Commissioner Francis, 2nd by Commissioner Broomstein) approved and accepted by all Commissioners.

II. SPECIAL PRESENTATIONS

A. 250 Centre Street

Duration: 16 mins.

Present: Kat Miller (The Community Builders), Brendan Gilmore (Shawmut Design and Construction), Robert Woodson (BRJP Monitor) and Celso Ribiero (BRJP Monitor)

Project Overview (Kat Miller and Brenden Gilmore):

250 Centre Street is a 110-unit new construction, mixed-income rental housing development located in the Jackson Square section of Roxbury and Jamaica Plain (Transit Oriented). The Community Builders, Inc. (TCB) selected Shawmut Design and Construction as the General Contractor for the project (56 Affordable, 20 Moderate-Income Workforce, 34 Market Rate, 1,700 +/- sf of ground floor retail. Schedule: 18-19 months (February 2023 estimated completion). 30% subs awarded are MBE and 10% are WBE (Micah O'Neil, Project Executive). Walk-on application set-up is monitored daily (Compliance Officer, Samantha Glatfelter). Employment opportunities advertised through Boston Globe and Boston Herald. Workforce Community Partnerships with Boston Jobs Bank, First Source Jobs, Building Pathways and ACE Mentor Program. Shawmut has a Self-performing business called Star Light that lends additional employment opportunities. **Commissioner Watson:** Robert/Celso, what has the conversation been with this team? **Robert (BRJP Monitor):** At Initial Kickoff meeting, we discussed being pro-active. Preliminary meetings with subcontractors have not happened yet. Considering the presentation given today, I am confident that subcontractors will do well and believe things are off to a good start. **Commissioner Watson:** Although the BRJP is focused on hiring Boston residents, People of Color and Women, I want to commend you on your initiative to provide opportunities for M/WBEs. It speaks volumes. Your efforts help chip at the racial wealth gap and inequities. **Commissioner Cofield:** Is Optiline union and what are they performing? **Brenden Gilmore (Shawmut Design and Construction):** Optiline is not union, this is an open shop/mixed project. Marguerite, Drywall and Framing are all union carpentry. **Commissioner Broomstein:** Have you worked with these subs before? How were their prior numbers, in particular, plumbing and electrical core crew who will gain most of the workhours? **Brenden:** 50% of subcontractors were vetted specifically for BRJP and include in their contract that understanding. **Commissioner Broomstein:** Although it's in their contracts, they need to see it with you.

Public Comments:

Mary Vogel (Building Pathways): Building Pathways is now recruiting and receiving applications for their Fall training cycle. Please spread the word to applicants who are not yet a union trades person.

Priscilla Flint-Banks (Black Economic Justice Institute – BEJI) was added to the Boston Employment Commission. Celina was not aware that she had been officially sworn in and apologized for the lack of a proper introduction. Commissioner Watson expressed that the Commission does not make decisions on who is seated on the board and is happy to have Priscilla join. Priscilla introduced herself and the work she and her husband have done over the course of 10 years to advocate for racial equity in the construction trades workforce on behalf of the communities of color in Boston. Her goals are Change, Transparency and Sanctions regarding Contractors, Developers and Unions.

B. Waldo Homes II

Duration: 25 mins.

Present: Dominica Man (CSNDC Realestate Director), Kiele Mauricio (CSNDC Real Estate Project Manager), Ericka Pasersky (Groom Construction, Sr. PM, VP), Patty Colone (Groom Construction Compliance Manager), Shelley Webster (InOrder Business Development), and Robert Woodson (BRJP Monitor)

Project Overview (Kiele Mauricio, Ericka Pasersky and Shelley Webster):

Keile Mauricio (CSNDC): 59 Unit, 4% tax credit Rehab (6 bldgs) 3 buildings in Mattapan and 3 in Dorchester. Estimated start of construction is late Summer with 18-month construction time-frame. **Ericka Pasersky (Groom Construction), Sr. Project Manager and Vice President of Groom Construction:** This is our first BEC meeting and we hope we meet the expectations. Our efforts have been community driven and we reached out to Shelley Webster of InOrder Business Development in September, during Pre-Con and before Buy Out to get her expertise. Final Bids / Contract – BRJP reporting research – pro-active partnership w/Codman, BRJP, Community Groups.

Groom Construction (Contractor) Partnerships: Anser Advisory (Owners Rep), Community Square Associates LLC (Development Consultant), Sorenson (Architect), Winn Companies (Management), and Codman Square NDC (Developer). Construction Schedule is 18-20 months with estimated wrap up April 2023. Buy out is at 80% with 56% subcontractors MBE and 18%WBE. Probably the highest percentages of our 42yr history thank you to Shelley and our team for the success of that effort. **Commissioner Watson:** Thank you for the presentation. I liked a lot of what I heard. In my years of being the Commissioner, you are the first female Senior Executive from a General Contracting firm and it's good to see. In addition, the 56% MBE and 18% WBE is also worth noting and I'd like to understand the process in accomplishing this and would ask, if possible, at the conclusion of this project to do a case study of sorts to memorialize this effort as a model for other to replicate in the effort to increase equity and inclusion and chip away at the racial wealth gap. **Shelley Webster (InOrder Business Development Solutions):** It was important that Codman Square and Grooms Construction out of the gate showed their commitment for diversity and putting the dollars in for the cost impact of researching M/WBEs. MBEs, in particular, because they are usually overlooked for the low hanging fruit of WBEs. 4-5 months prior to the Pre-Con stage, intentional effort was made to outreach the database of 200 M/WBEs via phone calling. A detailed conversation was had to explore the challenges and financing the work and make-up of their core crew workforce. After that, we worked with them on developing pricing. Because Groom Construction had no experience with any of these businesses and this was a first-time engagement, we sent out questionnaires specific to this project to all interested M/WBEs on largest projects performed and relationships with other contractors. Prices began to come in! Ericka was very engaging with me and asked questions regarding history of contractors, especially if not based in Boston. Commitment from the top and the willingness from Construction Manager to be intentional and work with someone who knows the landscape and execute it. Due to COVID, we had to rely on subcontractors for stats. **Commissioner Watson:** Your overview far exceeded my expectation. A 5-minute crash course on how to do it (referenced procurement world). Kudos to DND on getting this team together. Ericka, I would love to follow-up with you. 18% WBE is commendable and probably higher than I've seen on a project. **Ericka:** In RFP straight out from Codman as to what they required. **Dominica Man:** Their architect is a female. Anser was formally Pink, a WBE. **Commissioner Watson:** A diverse team produces diverse results. **Commissioner Burton:** I want to also acknowledge Gail and her team at Codman Square. **Commissioner Cofield:** I commend you on finding this many MBE contractors. Boston Residents and Female numbers are of concern for me. I hope that the mission statement of Codman Square is looked at closely and provide opportunities for Boston Residents. Groom Construction does not have a good history of doing this on their own. **Shelley Webster:** Thank you, Commissioner for your feedback.

RFPs went out to a vast number of Boston M/WBEs. Either they didn't price it or weren't competitive. We took the time to talk to the outside subcontractors to explain that although they aren't based in Boston, they are expected to hire local and honor the BRJP categories. We are not taking this lightly. The subcontractors have some months to come on and were encouraged to attend the 4/22/21 City of Boston Jobs Fair. I do need to follow-up to see who attended, but it was heavily promoted. **Commissioner Flint-Banks:** How were you doing the outreach? **Shelley:** I have a database of 100s – union/non-union M/WBEs who have expressed interest on projects I have worked on and other diversity professionals who have shared their database. We email from that source. **Ericka:** We follow-up with phone calls, person to person and have been doing zoom meetings due to COVID.

Public Comments:

Janet Jones: This project is close to where I live off Bowdoin Street. I am very interested in diversity hiring, especially for local. Congratulations Priscilla. I am thrilled on your appointment!

III. PROJECT REVIEWS

A. 7 Ink (217 Albany Street)

Duration: 33 mins.

Commissioner Watson recused himself (National Development is on his company's board of directors)
Commissioner Burton Chaired this review.

Present: Adam Parker (Cranshaw Construction), Takara Hamilton (BPDA Construction Monitor), Samantha Randel (National Development Group LLC)

Project Overview:

140,906 wkhrs, 593 workers, 22%BR, 27%POC, 10%F

Takara gave detailed overview of report. Commissioner Burton: None of the top 5 contractors are meeting the goals. Any type of Corrective Action? **Takara:** Summary of BFE below. Save on Walls reached out to unions and we connected them to Mary Vogel and Jordana Monteiro (Building Pathways). Waiting for Danny Dormont (Project Manager) to follow-up on candidates from Building Pathways. Save on Wall – Dry Wall / 30 workers / 8 – 9 Boston residents, good People of color numbers and a couple of females. Marguerite's Corrective Action Meeting was held and we continued prompting them. **Commissioner Burton:** To Cranshaw rep, what is happening? You hold the contract. Do you have leverage in the contract? How much longer for this project? it has been 2 years. **Adam (Cranshaw):** The Project is 64% Complete and estimated completion is 2/2022. Remaining work is painting, Flooring, Exterior Masonry and Millwork coming online. We constantly review weekly submissions. Takara and I work together. We don't currently have sanctions, but hold subcontractors accountable as much as possible. **Commissioner Burton:** Moving Forward, what's the plan? **Adam:** With the upcoming finishing trades, we have been told they have the numbers to meet the goals. **Commissioner Burton:** If they haven't mobilized, the contract could be amended. Are you the senior person present? **Adam:** I'm the Project Manager. The Senior Project Manager, Mike Cooperman apologized he couldn't be here. **Takara:** Entire project is brought down by Marguerite and Save on Wall, pulling the number down. There are others who are doing well. **Commissioner Burton:** I see a group of subcontractors who don't have much regard – it's clear in the numbers. 2nd wave does a little better (Boss Steel). I'm very interested in Cranshaw making amendment to the contract or other means of a sanction. **Commissioner Cofield:** Are their letters from Marguerite and Save on Wall? **Takara:** Email correspondence. Save on Wall did outreach to Building Pathways. **Commissioner Cofield:** I'm concerned about outreach to Business Agents at the union halls and what's being said about available workforce. How they get to this many hours without enforcement is also concerning. Boston resident numbers are horrible. **Takara:** I do my part to get the documentation. **Commissioner Cofield:** There is no reason Boston residency is that low. We're pulling in new people every day (Carpenters union). **Adam:** They have been reaching out to the halls. We are told there is no one in the halls. I can schedule a meeting with the Business Agent. **Commissioner Cofield:** Marguerite probably has a small percentage of work remaining. Is Save on Wall still there? **Adam:** Marguerite completed most of their work. We have communicated that their performance was less than satisfactory. They indicated when they return they will bump up. **Commissioner Burton:** Trust then verify. **Commissioner Flint-Banks:** What happens in the

Corrective Action meeting? **Takara:** Discuss numbers and efforts made and come up with a plan. Hands are tied with union projects. **Commissioner Flint-Bank:** Marguerite and Save on Wall aren't new to the city or industry. The excuse and blatant approach is unacceptable. There has to be a meaningful Corrective Action. Does the contract say "you will provide the categories"? **Adam:** Yes. **Commissioner Flint-Banks:** But it's not happening because it's been allowed to go on. **Adam:** I will look into amending contract for more leverage. **Commissioner Flint-Banks:** How long have you been with Cranshaw? **Adam:** 4 years and this is my 2nd project. **Commissioner Flint-Banks:** You understand the process. Thank you.

Public Comment:

Linda Shaughnessy: Is GC able to tract Core Crew workers vs. union hires? It's my experience core crew needs to be diverse prior to stepping foot on project. **Adam:** We do not and would be interested in finding out how to do that. **Commissioner Burton:** Takara gave you some guidance on that with Save on Wall (30 something core crew workers and hired additional 20 from unions) but core crew may not be diverse. **Adam:** I can track it from the payroll and report out at next meeting. **Anonymous:** Does Cranshaw or subcontractors have a mentoring program? **Adam:** EM Duggan (Plumber) has a mentoring program and partners with Madison Park Vocational school's Juniors and Seniors (provided pathway to Local 12). **Takara:** 90% of this information is in the packet sent prior to this meeting. **Samantha Randel (National Development Group LLC, VP of Development):** We feel good about some of the number with the exception of the ones you called out. Adam has worked hard with Takara. This is super important to National Development. I will be speaking with one of the principles at Cranshaw regarding Sanctions. This is my 3rd/4th with National (I've been there 8 years). Adam and I will have that conversation after this meeting with one of the principles at Cranshaw. **Commissioner Burton:** As the developer we appreciate you on this call. I would suggest looking for different contractors. **Commissioner Flint-Banks:** Do you check history of these subs? **Adam:** Yes, in the pre-con phase. Unfortunately, it's shortlisted by the time it gets to Adam. **Commissioner Cofield:** Moving forward, we should start requiring that underperforming subs be at these meetings in order to have first-hand conversations and provide another level of accountable. **Janet Jones:** Marguerite, unbelievably poor percentages – don't understand the attraction to Marguerite. Get a list of alternatives to them. **Anonymous question:** Does anyone know if it is legal to financially sanction a company for not meeting the workforce goals? (This question gets answered later by Celina Barrios-Millner, Chief of Equity and Inclusion)

B. New Balance Sports Complex

Duration: 34 mins.

Present: Kate Blessington (JMA), Jamie Noonan (JMA), Pamela Ruffo (BRJP), Dan McGillicuddy (New Balance Group LLC)

Project Overview:

246,069 wkhrs, 760 workers, 25%BR, 40%POC, 7%F

Pamela Ruffo (BRJP Monitor):

Pam gave detailed overview of report. Commissioner Watson: Thank you for that thorough snapshot. On an aside note, I hope that we move to separate out the people of color (Black, AAPI, etc.) and understand who is making up the People of color on these projects. The disparity amongst the race is all over the place. It's the only way we will be able to tell if our efforts are helping those who need it the most. JMA has worked over 777,550 hrs with the city, 50%R, 37%POC, 11%F. They are one of our best performing contractors in compliance. However, a flag goes up when less than ½. Kate what are the challenges with residents? Is it that unions don't have the people? **Kate Blessington (JMA):** Several issues with residents. One is they are not available from the hall. This particular project was impacted by COVID restrictions New Balance placed until last month. Couldn't layoff or increase. Since increasing, this project doesn't offer overtime. Constantly make request to the halls / TJ McCartney and Kiva Systems usually do well and they have a lot of work in the city (struggling). **Commissioner Watson:** It's a struggle for this Commission to make an informed assessment. Non-compliance – excuses / reasons. You gave good reasons, it raises though concerns outside of COVID – if the #'s are there. **Commissioner Priscilla Flint-Banks:** Unions/there's not enough workforce there. They need to open up and take people. How do we get unions to take people in? Especially black and brown people. **Kate:** We try to work with Building

Pathways. **Commissioner Flint-Banks:** Building Pathways is not a training program. **Kate:** We try to see who Mary Vogel (Building Pathways) has available and pair them. **Commissioner Flint-Banks:** Building Pathways is not the end all to be all. **Jamie Noonan (JMA):** We understand the dilemma/deficit in the union halls. (Uses Omni Hotel as an example -Married/Joint Venture) with prime contractors. **Commission Cofield:** In reference to unions – in order for people to go out to work, unions have to get phone calls from subcontractors that need people. We have programs that bring people in every day. I’m going to check in on the BR#’s (if pipeline is getting smaller) whether we’re using BR in city is a different conversation. Save on Wall is New Hampshire based and has their own set crew. **Commissioner Watson:** the challenge Commission Cofield is lack of transparency. We don’t see that reflected in #’s. Over a 5-year period it’s been the same pattern. **Commissioner Flint-Banks:** Commissioner Cofield, I know Carpenters are doing their part and I don’t mean all unions, but there are many that aren’t. **Commissioner Cofield:** I’m union and I serve black and brown people. I understand transparency, leadership, increase in numbers. That’s a different meeting.

Celina Barrios-Millner (Chief of Equity and Inclusion): In reference to the Anonymous question, in general the City of Boston cannot sanction under current ordinance, can’t prove that workers were not available. In the area of qualifying someone as a responsible bidder.

Public Comment:

Janet Jones: I have been in touch with JMA (Dot Block project). There was a meet and greet recently. Building Pathways, Building Trades, Developers Office. There was no actual agenda/meeting. It would have been a time to address concerns. Helpful to talk to compliance office. There was a woman of color on the site work committee.

Anonymous: Why can’t we find out how diverse the union halls are? **Commission Watson:** Been told that information is not collected/available. **Commissioner Flint-Banks:** That’s a problem. **Commissioner Watson:** It’s extremely disturbing. **Commissioner Burton:** Acknowledge Dan McGillicuddy, New Balance Group LLC representative was present.

C. 201 Brookline Ave

Duration: 15 mins.

Present: Hemant Khaneja (Samuels & Associates – invited), Brooke Woodson (Suffolk Construction), Peter Reiley (Suffolk Construction), Pamela Ruffo (BRJP Monitor)

Project Overview:

107,430 wkhrs, 766 workers, 21%BR, 35%POC, 4%F

Pam filled in for BRJP Monitor, Manuel Barbosa (Manny)

Pam gave overview of report. Project is 40% Complete. **Commissioner Watson:** Concerned in less than ½ of BR (21%). Hayward Baker? Trying to get a better understanding on how past performance weighted. If need to, you can follow-up. **Brooke Woodson (Suffolk):** Similar conversation as with JMA. More demand than available workforce. Hayward Baker – no longer on the project. **Peter Reiley (Suffolk):** In regards to Hayward Baker hiring, it was a mini pile operation – not many options. I wasn’t involved in hiring, but that’s as far as I know. **Commissioner Watson:** Would love the BRJP/City of Boston Administration to review the New Ordinance because it stipulates if before a project starts and it’s clear that workforce unavailable, it’s incumbent on subcontractor to sponsor union to come into compliance. It’s a no brainer for the administration to implement on that. Unfortunately, there are 1 – 3 players in town that take advantage of their predominant position. **Commissioner Flint-Banks:** I remember Hayward Baker (bad apple) over 10 years. Don’t understand why they get hired. If they’re the only one in town, do you go outside of town to look at companies of color? As the newest Commissioner, I believe there are things that can be done to make changes.

Janet Jones: Samuels is the same company doing Dot Block. Don’t understand why we can’t hold this workforce accountable. Brooke, I know you do a good job. Samuel’s makes money hand over fist and what are they giving back to the community? **Brooke:** The leadership of Samuels did reach out to me over the last year to be better on diversity issues. Going forward I believe you will see efforts from ownerships, not just Samuels.

Anonymous: Is there a master list or resource that tracks historical numbers of subcontractors past performance on BRJP tracked projects? Something that can identify other subs to reach out to.

Commissioner Espinoza-Toro: There is information that is public - in process of making that information available. Additional requirement should be they have to show their record on their proposal/bid. Responsibility of developer to research and not accept person who will bring numbers down.

IV. DIRECTOR'S REPORT:

Duration: 8 mins.

Celina (Chief of Equity and Inclusion): The surprise was let out the bag! Pleased to be joined by Priscilla Flint-Banks as our new BEC Commissioner. Former Commissioner Stephanie Everett stepped down for a new role with the city. Commissioner Flint-Banks's appointment completes the board. We will make sure you have materials needed to onboard. There have been questions about the BEC's return to in-person meetings. The BEC falls under Open Meeting Laws under State regulations and virtual meeting have been extended. July's BEC Hearing will be Virtual. City employees are returning to in-person workspace, July 6, 2021. We are continually adapting to how the city will do in-person meeting. Returning to in-person site visits will start July 6 as well. **Commissioner Flint-Banks:** Will the BEC meet aside from 3rd Wednesdays? **Celina:** There is an annual BEC Retreat/Training and when a New Commissioner joins the board. Any meeting outside of the monthly meeting is considered an Open Meeting and must be publicly noticed.

Commissioner Burton: Motioned to accept and approve Director's Report, 2nd and approved by all.

Vinny Coyle (Local 7 Iron Workers) commented that 7 Ink, New Balance and 201 Brookline Ave is covered by him. Had contractors reaching out. Boss Steel and Accord Steel - through COVID. Hall pretty much empty through COVID. Local 7 is well diversified in iron worker's trade. Organized high school female 18 years old to be onboard with our local in 2weeks. 100 apprentices will be interviewed on June 22nd – 24th. Cover Roxbury, West Roxbury, Roslindale and Jamaica Plain. Local 7 has the most females (120). Nonunion jobs organizing nonunion people of their projects. Hitting Vo-Tech Schools. Sit on board at Madison Park. Looking forward to getting meetings up and running and working with their Welding shop. **Commissioner Watson:** How many Black people? **Vinny Coyle:** I don't have a number (a lot). I Can find out. **Commissioner Watson:** Thank you, that would be helpful. I often hear unions quick to disclose how many women they have but not black people. **Commissioner Cofield:** motioned adjourning meeting, 2nd Commissioner Flint-Banks and approved by all Commissioners.

Meeting adjourned: 3:20