

Boston Employment Commission Hearing Minutes

A monthly hearing of the Boston Employment Commission (**BEC**) was held virtually on Zoom, January 18, 2023.

Commissioners Present: Commissioner/Chair JocCole “JC” Burton, Commissioner Travis Watson, Commissioner Kenell Broomstein, and Commissioner Priscilla Flint.

Hearing Begins: 1:05 PM

Commissioner Burton reminded everyone that the December 14, 2022 BEC Hearing was canceled and the agenda that was planned for that meeting (Including review of projects recommended to be sanctioned) will be addressed today.

I. MINUTES

November 16, 2022, motioned by Commissioner Watson, 2nd by Commissioner Broomstein. All approved.

II. SPECIAL PRESENTATION – Job’s Bank 2022 in review

Janine MacLaren, BRJP Jobs Bank Coordinator (Powerpoint Presentation) Duration: 34 mins.

Opportunity Fairs held: 4/27 – Dimeo Construction, 5/26 – Wayne Griffin Electric (Non-Union), 6/22 – Mass Hire, 9/7 – Mission Main, 2023 Spring – Joint venture w/BPS.

QR Code created to link applicants to the Jobs Bank
jobsbank@boston.gov is the official Jobs Bank email address

Community partnership outreach has been made to a vast list (over 500). Unfortunately, the outcome from the opportunity fairs have been low turnout (job seekers aren’t there). COVID, to some extent has appeared to play an influential part in changing the dynamics of the workforce.

Commissioner Burton: 4 Fairs, low turnout. It appears the winter months were slower than the spring months. Was Dimeo the only GC that partnered with the Jobs Bank? **Janine:** In addition to Dimeo, Wayne Griffin Electric (Non-Union/Open Shop) and 69 mixed subcontractors/GCs with the assistance of the Renaissance Group (Sandy Paben). **Commissioner Flint:** was there any type of response from unions? **Janine:** I had an open house and invited Locals. Received 1 response. **Commissioner Flint:** Anyone hired? **Janine:** Tracking and getting subcontractors or applicants to give outcome on hiring has been difficult. **Commissioner Watson:** Hearing that Boston Building Trades partners are not responding is troubling.

Public:

Jorge Rivera (DC35 Painters Union), Director of Organizing – 617-435-3944, jrivera@iupatdc35.org. I would like to participate on the apprentice piece.

Mukiya Gomez (Community Advocate): Janine, can the city’s Information Dept. help you with tracking? Also, I strongly recommend you cross reference with the Mass Dept. of Labor. Lauren Jones is the new Secretary of Mass Dept. of Labor and they should be able to help track trades people. In addition, the Neighborhood Civic Associations and the Mayor’s Office of Community Engagement (including Elder Services/Age Strong- *Seniors have grandchildren*). Sponsor a meeting w/Business Agents of trades unions. Jorge Rivera, expressed interest. Perhaps he can assist with sponsoring a meeting (Jorge gave a thumbs up to that suggestion). **Janine:** The BRJP Monitors use a platform called Salesforce. I was just thinking maybe that could be a helpful tracking resource for the Jobs Bank. **Commissioner Burton:** Thank you, Ms.

Gomez for your suggestions. Jodi-Sugerman-Brozan (Deputy Chief of Worker Empowerment): The Office of Workforce and Development is looking into ways to address these challenges, however, according to the ordinance, the contractors should be reporting out on hiring. **Commissioner Burton:** Yes, according to the ordinance, that is what should be happening. **Janet Jones (Dorchester Resident and Community Advocate):** It is difficult getting information on these construction projects, in particular, the DOT Block development in my neighborhood (near 1st Parish Church and the Fire Station – Dorchester).

Commissioner Flint: In regards to a budget, how can Janine accomplish any of the recommendations Mukiya made if she doesn't have a budget and will she be able to hire someone? **Janine:** Hopefully.

Commissioner Burton: Hopefully Janine will get the support needed for the success of the Jobs Bank.

Jodi: The July 2023-2024 fiscal budget will support Janine's/Job's Bank concerns.

III. PROJECT REVIEWS

A. 9 Leyland Street (Call Back)

Duration: 45 mins.

Commissioner Watson recused himself due to his employer's (MHIC) financial affiliation with this project.

Present: Nathan Peck (Kaplan Construction), Jacqueline Maloney (Kaplan Construction), Alex Box (Dorchester Bay EDC) and Celso Ribeiro (BRJP Construction Monitor)

Project Overview:

Christopher Brown, BRJP Manager gave overview. Celso was having technical difficulty with the virtual connection.

77,850 wkhrs, 137 workers, 19 Contractors, 20%BR, 48%POC, 3%F

Kaplan self-performing at 62%BR, 65%POC and 2%F. A Corrective Action meeting was held 12/1/22. Payrolls are not in compliance. This report should have been updated.

Jacqueline Maloney (Kaplan): According to our weekly accounting of the subcontractors numbers, there's a discrepancy with this report. We have 78% POC, however, the Boston Residents (BR) and Females (F) are aligned. We review subcontractors hours weekly and reach out to the subs to request documentation. Rachel Turner is Kaplan's BRJP Compliance Coordinator and submitted a list to Janine from the April Job Fair. All in One had a successful hire. **Commissioner Burton:** Is there Section 3 requirement on this project? **Answer:** Yes.

Commissioner Broomstein: An alerting factor is that the high number of People of Color (POC) reflects workers from out of the city.

Public:

Mukiya Gomez (Community Advocate): There are State requirements whether private or public for submitting employees/trades information. Does Kaplan submit employee information to the Mass Dept. of Labor? **Nathan Peck (Kaplan):** we submit to BRJP not to the State. **Commissioner Burton:** Please follow-up with Ms. Odom regarding this. **Mary Vogel (Building Pathways):** It is assumed that because a company is a WBE, it will produce more women. Jacqueline, you really have to make an effort to bring women on this project. If MHIC (Commissioner Watson's employer) is funding this project, can't they put pressure on the GC to address the low women numbers? **Commissioner Burton:** MHIC is not the only company financing this project and Commissioner Watson is not able to weigh in on this project (*he is recused*). **Nate:** we are disappointed with the resident numbers and have done outreach. It's an anomaly. There is 70% remaining on the project and I believe the numbers will improve. While the People of Color (POC) are not Boston residents, they are from cities surrounding Boston. **Mukiya:** What has Kaplan done to hold non-compliant subcontractors accountable? **Nate:** Most non-compliant subcontractors are new (reference Pegasus – MBE masonry, 6%BR, 100%POC, 9%F), but we would not offer other bids. **Mukiya:** Just as it was said that you can't rely on WBEs to produce WBEs and be the saving grace, the same for MBEs. **Nate:** We're not relying on MBEs to be the saving grace, but we do expect higher numbers.

Alex Bob (Dorchester Bay EDC): As the Developer, we work with Nate, Jacqueline and our diversity consultant, Katrina Conrad to go over numbers at weekly meetings. **Andre Lima (BRJP/Supplier Diversity Director):** Chris and

Celso will follow-up regarding the discrepancy mentioned earlier. **Mukiya:** Has the City or BEC considered advertising the Jobs Bank on the MBTA? **Commissioner Burton:** Good idea.

B. Josiah Quincy Upper School

Duration: 12 mins.

Commissioner Watson rejoined hearing.

Present : Glenda Nestor (Turner Construction), Amanda (Turner Construction), Jamie Meiser (Turner Construction), Alison Stanton (Turner Construction), John Meiser (Turner Construction) and Manuel Barbosa (BRJP Construction Monitor).

Project Overview:

56,888 wkhrs, 350 workers, 11 Contractors, 29%BR, 33%POC, 8%F

Glenda Nestor (Turner Construction): project is 20% with an estimated completion of Fall 2024. **Jamie Meiser (Turner Construction):** structural steel just about complete and onboarding other trades. **Commissioner Flint:** If the project just started, how was there a Corrective Action meeting already? **Glenda:** the subcontractor was on site, and left, but will return. **Jamie:** The work that remains for them is just removal of the tower crane. **Commissioner Watson:** Alison it's good to see you and to see Turner's numbers are good. I see that S&F has made improvements since the meeting we had with them a few years ago. They have been consistent with their commitment to improve. **Commissioner Burton:** It's good to see a GC leading by example.

IV. BEC Commissioners' Follow-up Requests/Concerns

- **Received Fountain Hill's written report in December and they are due to comeback before the BEC February 15, 2023**

V. SANCTIONS:

Recommendations for Sanctions - Late Payroll Violations:

7186 - Brighton High School Locker Room
9/22 – 12/22 – 867 late payrolls @ \$260, 100 (4 Subcontractors)

JJ Carroll
8/22 – 11/22 – 154 late payrolls @ \$46,200 (1 Subcontractor)

9 Leyland Street
3/22 – 12/22 – 1,339 late payrolls @ \$399,300 (14 Subcontractors)

In all these cases, BRJP recommends substantially lower fines and review of payrolls in 2 – 3 months.

Commissioner Burton asked for a motion to be made to determine voting on 2 recommendations (7186 - Brighton High School and JJ Carroll) within 10 business days. 4 commissioners were in favor (Commissioner Flint - motioned, Commissioner Broomstein - 2nd and Commissioner Burton and Watson – "I"s) all approved to move forward. A second vote was taken on 9 Leyland with 3 in favor (Commissioner Broomstein motioned, Commissioner Flint 2nd, Commissioner Burton "I") and 1 abstinence (**Commissioner Watson – MHIC, his employer has financial interest in the project, and he will recuse from voting on this project**). A question was asked in the chat if JJ Carroll's documents would be available to the public. Andre explained that when the projects are officially noticed, the documents will be provided on the BRJP website (boston.gov/public-notices).

On a different topic, Commissioner Flint asked if there have been any recommendations for the 2 vacant Commissioner seats. Andre expressed he is working on that with the Office of Worker Empowerment (Trinh Nguyen and Jodi Sugerman-Brozan) and the Mayor's Office of Policy and Boards and Commissions.

Commissioner Watson was concerned that he might have a conflict with the JJ Carroll project. Dellbrook volunteers on a subcommittee with his employer (MHIC) regarding racial equity and inclusion. Andre said he would need to check with Legal and Commissioner Burton suggested the vote be retaken, in the meantime. The vote on that project was retaken. 3 in favor 1 abstinence. Commissioner Broomstein motioned, Flint 2nd and Burton "I". Commissioner Watson abstained.

VI. DIRECTOR'S REPORT

Andre presented the sanctions recommendations as part of his Director's Report.

Commissioner Burton expressed, as a GC herself, the disappointment in having to go through this sanctioning process because the goal is to set companies up for success. Commissioner Burton referenced Janine MacLaren's Jobs Bank presentation and spoke to the great efforts of outreach and the challenges and emphasizing the impact of COVID and a report she read that 40% of women in the construction industry left the workforce (Commissioner Flint flagged Daycare). Commissioner Burton stated, ***we must be mindful of where we are at this present time and create a pipeline strategy that brings success on these projects.*** **Janet Jones (Community Advocate)** expressed how long the community has waited for this push on compliance with another reference to the DOT Block project. Commissioner Burton asked the BRJP staff to connect with Ms. Jones to address her concerns with the DOT Block project.

Motion to adjourn Commissioner Watson, 2nd Flint.

Meeting adjourned: 2:58pm