

# Boston Employment Commission Hearing Minutes

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A monthly hearing of the Boston Employment Commission (**BEC**) was held virtually on Zoom, April 19, 2023.

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

**Hearing Begins: 1:05 PM**

*Chair Burton began the meeting with an acknowledgement of the recent passing of the beloved Bostonian, Mel King whose contribution to the City of Boston as an educator, activist and advocate and his work and partnerships with others for all people, most importantly, the marginalized, touched many arenas in Boston, in particular, real estate and construction and his legacy will continue through the Mel King Institute.*

## I. MINUTES

## II. SPECIAL PRESENTATIONS

### A. 109 Brookline Ave.

**Duration: 15 mins.**

**Present: Luke Griffin (IQHQ), Antonio Antenor ( Suffolk Construction), Dakota Jones (InOrder Business Development Solutions) and Patricia Maragioglio (BRJP Monitor)**

Project overview presented by **Luke Griffin (IQHQ)** – powerpoint with renderings. The project is an 11 story building with 3,000 sqft of retail space and 5,000 sqft of community space (offices and labs). The job creation goal includes the areas of construction, retail and project managers. **Antonio Antenor (Suffolk)** spoke to the project schedule and explained that this is a core shell project and the bulk of activity for the year will consist of earth work and structural with envelope being added this time next year. The estimated completion date of the project is 2/1/2025. **Dakota Jones (InOrder Business Development Solutions):** Focus on best practice of getting past performance history of subcontractors from BRJP monitor prior to mobilization and pre-construction meetings and a pro-active approach for workforce diversity with subcontractors on improvement or building on successes. Early stages are showing strong workforce diversity numbers, with room for improvement (BR 20%, POC 30%, F 17%). Suffolk has a standard walk on application process and draws from the pool of applications across projects to resource a particular project as needed. The efforts to contribute to future job creation/growth in diversity is happening through educational exposure with young people and job fairs of which we realize the city jobs bank is hosting one today, unfortunately we have a conflict and are participating in another job’s fair elsewhere, but will be sure going forward to participate with the city’s efforts and encourage our subcontractors to do the same. **Commissioner Burton** applauded the energy and efforts in early stages of the project. **Commissioner Howell** complimented the presentation and approach to compliance for the BRJP policy (diversity).

### Public:

**Janet Jones (Community advocate):** shared that her neighbor is an African American iron worker (union) and might benefit from an opportunity to work on this project. How can he get the information for this job? **Dakota** thanked Janet for her advocacy and expressed that he would like to connect with the person and would reach out to Janet and provided his information online. **Angela Williams (Boston Jobs Coalition):** What is total projected number of construction and permanent jobs? **Antonio (Suffolk):** At our peak there’s about 100 manpower onsite currently. **Commissioner Burton:** Luke do you know how many permanent jobs? **Luke** will follow-up with that information. **The information was provided before the hearing ended (750 permanent jobs and 400 construction jobs).** **Commissioner Burton** thanked Luke, Antonio and Dakota for the presentation and expressed the

significance of having the Developer's representation which signals to the community and the staff that this is important to your organization.

**B. Olmsted Green 80**

**Duration: 12 mins.**

**Present: Jerry Rappaport ( Lena New Boston), Marie Morrisset (Boston Communities), Andre Barbour (NEI Contracting) and Robert Woodson (BRJP Monitor)**

**Andre Barbour (NEI Contracting)** gave powerpoint overview with rendering of the project which is located in Mattapan. A new construction of 80 mixed-income affordable homeownership units in 20 townhouse-style buildings (4 units per building). **Construction Value: \$25,153,681 (MBE: 38% WBE: 12%)**. MBE/WBE Contractors: HB Plumbing & Heating (Plumbing); Performance Drywall; Advanced Green Insulation and A&R Roofing (Roofing). **First subs on site:** Davis A. Bosworth (Sitework) – Onsite; Helical Drilling (Site Improvements) – End of April; DAM Inc. – Concrete – Early/Mid May. **Pro-active engagement with subcontractors prior to mobilization** - Internal Pre-construction kick-off meetings; Attendance to subcontractor weekly coordination meeting; Building relationships with individuals responsible for hiring workforce and Internal Compliance Reporting workshop. **Job Application and Training process:** On-site & Online - Each construction site has at least one per entrance to site; Applicants can visit [www.NEIGC.com](http://www.NEIGC.com) to apply online or scan our QR Code; Additionally QR Code to training calendar for WORC2 (NEI's construction training and development center) registration for courses and availability.

**Commissioner Watson** expressed that he was impressed with the 38%MBE participation, \$9.6M out of a \$25.2M construction contract, and felt that was a significant and positive impact to the racial wealth gap. Understanding that the ordinance doesn't require M/WBE efforts, but felt it important to highlight that in comparison to the city's disparities' study (5 years ago) that showed out of a \$986M construction contracts only \$12M went to MBEs.

**Commissioner Watson** stated that while he realizes construction isn't the only way to chip at the racial wealth gap, it is a good place to have an impact and this is a great example of that. **Commissioner Burton** pointed out that this is an open shop project with a blended staff – union/non-union; single family townhouse style construction that lends itself to having experienced people from the community and the Developer whose attention to racial equity and leadership/partnership is reflected in the numbers. Commissioner Burton noted, while the ordinance does not require the compliance of M/WBEs, there's factual data that shows when M/WBEs are involved, the workforce is more diverse. **Commissioner Burton** acknowledged Marie Morrisset and stated that she has been instrumental in working on equity in real estate development in the city of Boston. **Marie Morrisset (Boston Communities)** – Thank you, this great message to bring back to the team. Andre is a phenomenal partner to work with. **Jerry Rappaport (Lena New Boston):** We are lucky to have NEI as our contractor who is serious about this work and performs at a high level. Thank you, Commissioner Watson for that racial wealth perspective. The 80 units of homeownership are directed for those who live in the surrounding communities and will be provided with down payment assistance. We agree this is one major way wealth is built and we are doing our part to address racial equity and justice to that end.

**III. PROJECT REVIEWS**

**A. 288 Harrison Ave.**

**Duration: 18 mins.**

**Present: Rachel Powers (Beacon Communities), Andre Barbour (NEI Contracting) and Robert Woodson (BRJP Monitor)**

**Project's Overall Numerical Compliance: 1,730 workhours, 17 workers, 2 contractors, 5%BR, 20%POC 17%F**

**Robert Woodson (BRJP Construction Monitor):** This review is combined with a special presentation because the project didn't come before the BEC and onsite work began January 2023. **Andre Barbour (NEI Contracting):** Powerpoint overview: The project is located in Chinatown (Harrison and Hudson Street) - New construction of 88 mixed-income affordable rental units. **Construction Value: \$28,763,267 MBE: 39% WBE: 8%. MBE/WBE Contractors (40% union):** EFR Mechanical (Plumbing); Westview Building Company (Drywall); Franca Services (Siding) and Custom Floors. **Pro-active engagement with subcontractors prior to mobilization** - Internal Pre-

construction kick-off meetings; Attendance to subcontractor weekly coordination meeting; Building relationships with individuals responsible for hiring workforce and Internal Compliance Reporting workshop. We do our best to work with subcontractors in advance of the need to meet the workforce goals (supply-based referrals). **Job Application and Training process:** On-site & Online - Each one of our construction sites has at least one per entrance to site; Applicants can visit [www.NEIGC.com](http://www.NEIGC.com) to apply online or scan our QR Code; Additionally QR Code to training calendar for WORC2 (NEI's construction training and development center) registration for courses and availability. **Robert:** The project is in very early stages with 2 subcontractors onsite, DA Bosworth and Helical Drilling. The project is off to a great start with female participation at 17%. Marguerite Concrete is the next subcontractor to mobilize and we have been pushing them to reach out to the union hall to staff accordingly. **Commissioner Burton:** Andre, although the presentation you gave spoke to your efforts to utilize M/WBEs, it doesn't appear with the 2 subcontractors onsite that there's alignment with that context. What's the pathway forward with Marguerite, as their history has been an inability to meet the BRJP goals? **Andre:** Bosworth does have residents and they interviewed 2 additional residents, 1 person of color male resident and 1 person of color female resident. We had hoped to be further along. We are currently at 10 – 15%. Helical Drilling has completed their work (330 aggregate piers in 7 work days). What doesn't show is that one of their core crew workers (primary operator) of 5 years started as a Boston resident and is no longer a Boston resident. We pro-actively work with Marguerite, reaching out to carpenters, iron workers and operators unions. Marguerite's biggest struggle is flat work crews. They work with cement masons/cement laborers which is mostly a 1-day work process and it tanks the numbers. **Commissioner Burton:** I hear the story about the operator who was a Boston resident. What is NEI doing to incentivize and keep people living in the city of Boston (*references the Olmsted 80 homeownership project as an incentive for a worker*)? How does Marguerite keep getting awarded (despite/in spite their struggle)? **Andre:** In regards to Marguerite being awarded, I suppose it comes down to budget and who can do the job in the time-frame needed and they have the manpower capacity. In regards to incentivizing workers to stay or live in the city, I don't know how you get ahead of that. Especially given the trade is not consistent (maximum 3 week scope). **Commissioner Burton:** Does NEI have compliance language in the contract. **Andre:** Everything is in our contract regarding BRJP requirements. It is emphasized in the pre-cons with Robert. Robert and I reach out to AI if we're not seeing what we like. Corrective action meetings are held internally. **Commissioner Burton:** Has there been corrective action meetings with these two subcontractors? **Andre:** Yes.

#### Public:

**Janet Jones (Community Advocate):** Marguerite has always been a problem. Can you reconsider using them? **Andre:** Not at this point. They've started and their report will come in next week. **Commissioner Burton:** They've been awarded, started and mobilized, but don't have the work hours yet. Thank you for the presentation. ***We have an answer from IQHQ/109 Brookline Ave project to the question of how many permanent and construction jobs. 750 permanent jobs and 400 construction jobs created from this project.*** In light of the question Commissioner Watson asked last year regarding looking at the economics of construction labor leaving the city of Boston, I'd like to flag it as a parking lot item. We now have a quorum and can vote on March 15, 2023 minutes. Commissioner Watson motioned, Commissioner Flint 2<sup>nd</sup> and I's approved. **Commissioner Watson:** I want to applaud Kim on the record with her detailed minute taking. I'm a big believer in Government transparency and these meetings are complex with a lot of back and forth (jargon). If you're not able to attend the hearing or access it virtually, you can get an in depth account through the minutes and experience it as if you were there.

#### IV. BEC Commissioners' Follow-up Requests/Concerns

- Economic impact of construction labor leaving the city.
- Potential Group Study to explore Employer Sponsored Housing

#### V. SANCTIONS:

- Dykeman Welding & Fabrication and Bridgeline GC appeal letters received and hearing to be scheduled for early May. The hearing will be public noticed.

#### VI. DIRECTOR'S REPORT

**Jodi Sugerman-Brozan (Deputy Chief, Worker Empowerment):** I'd like to thank Chair Burton for attending with myself, Christopher Brown, Andre Lima and Chief Trinh Nguyen the recent City Council's Labor Workforce and Economic Development Committee hearing held April 7<sup>th</sup> for our Bi-Annual report and overview of the Worker Empowerment Cabinet and how BRJP fits in. Our report included a summary of data from 10/1 – 12/31/22 and update on the Jobs Bank. If anyone would like a copy of the slides deck, you can reach out to Jodi or you can access the recording of the hearing on the city council's website. As mentioned earlier, the Job's bank will be hosting a Career Exploration event from 3-6, today, at the Bolling Building, 2300 Washington Street, Nubian Square. Please share with your networks. On 4/12/23 Mayor Wu submitted the FY24 budget to the City Council and BRJP's budget of \$1.3M is part of Labor Compliance and Worker Protection. This information is available on the city's website (All city department budgets). In regards to the Sanction Appeal for the two subcontractors, Dykeman Welding & Fabrication and Bridgeline, a public notice will go out after we have informed the subcontractors of a date. We are looking at early May. I'd also like to announce the Youth Job's Fair being held this weekend, April 22<sup>nd</sup> at the Reggie Lewis Track Center for ages 14yrs – 16yrs (7,000 jobs available). Please share with any young people you know. **Commissioner Flint:** Is there anything in writing for the Appeals Process? **Jodi:** Kim, did the Commissioners receive the appeals letters from the Dykeman and Bridgeline? **Kim:** Yes. **Jodi:** The Commission can vote to erase the fine, lower the fine or let the fine stand. **Commissioner Flint:** If we reject the appeals, does the vote stand or do we have to vote again? I will check, but I believe the vote stands if the appeals are not accepted. Does that answer your question? **Commissioner Flint:** I get the jest. **Commissioner Watson:** Is it possible to break down the people of color workhours? It seems that information must be captured in the certified payrolls. I believe it would be very telling for the racial wealth gap? **Christopher Brown (BRJP Manager):** Yes, it's possible, we do keep track of race and I will reach out to the IT team. It might take some time to get that information. **Commissioner Burton:** To clarify, are you asking for a snapshot of all the projects in regards to race/ethnicity, not just the ones that come before the BEC monthly? **Commissioner Watson:** Yes. I'm not trying to make extra work for the staff, and there's no rush on this. Whatever timeframe the administration believes is doable. I appreciate it. **Commissioner Flint:** Jodi, are the Commissioners supposed to attend the Bi-Annual City Council hearings and can we make comments? I attended the recent hearing and I've attended many past one's in person and virtual, and I don't see any change from April to October or October to April. Is this cabinet going to work with the BEC to address the bad apples? **Jodi:** The Commissioners are welcome to attend and give public testimony. It has generally been the Chair of the BEC that is asked to speak. Chief Nguyen made a commitment to look into the Dashboard that the City Councilors asked about and we are looking closely at Salesforce and how to get better trade/contractor reports which can address the bad apples, as you stated. We are just starting and are new to understanding how to use Salesforce to get that information. **Commissioner Burton:** Commissioner Flint, typically I would reach out to the Commissioners and get some talking points that would represent the Commission. The outreach to attend the hearing came to me late, while I was out of the country. **Commissioner Flint:** I didn't have a problem with your presentation. I'm glad you were there. I just have not seen a difference from these hearings. **Commissioner Burton:** Several recommendations have been made to address the limitations of sanctions as it relates to the intent of the ordinance vs the administrative criteria. In addition the recommendation that Christopher Brown often speaks to in regards to building the pipeline through a purposeful training workforce center. Last month I mentioned incentivizing workers to stay in the city and Andre asked me how do you do that? It's as simple as asking them to consider it. I'm working on a platform of Employer Sponsored Housing and Employer Rental Units. It's actually something that was done in the manufacturing arena. People lived close to the factories where they worked. It would help quality of life (lessen commuting). I believe it can be done, especially by larger General Contractors. **Commissioner Watson:** I'd like to learn more about that. I work in the non-profit sector and maybe it's different in the for-profit, but it's a hardship right now for families to live in Boston with daycare challenges and houses costing on average \$850,000. **Commissioner Burton:** Perhaps we can form a study group. Director Sugerman-Brozan, if there's no further comments, we can take the motion to adjourn.

Commissioner Watson motioned to adjourn, Commissioner Howell 2<sup>nd</sup>. I's approved.

**Meeting adjourned 2:13pm**

**KO/BEC Coordinator**