

# Boston Employment Commission Hearing Minutes

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

**Commissioners Present: Commissioner Travis Watson, Commissioner Stephanie Everett, Commissioner Carlos Espinoza-Toro, Commissioner Charles Cofield, Commissioner JocCole "JC" Burton and Commissioner Aisha Francis.**

**Hearing Begins: 1:01 PM**

## **I. MINUTES**

March 17, 2021 minutes approved and accepted - motioned to accept by Commissioner Burton, 2<sup>nd</sup> by Commissioner Cofield and all approved (Commissioners Watson, Burton, Everett, Espinoza-Toro, Cofield and Francis).

## **II. SPECIAL PRESENTATION**

### **A. 1550 Soldiers Field Road**

**Duration 20 mins.**

**Present: Joseph Rose (Dellbrook JKS), Cathy Urban (Dellbrook JKS), Sheryce Hearn (Dellbrook JKS), Robert Simunds (Owner/Developer) and Takara Hamilton (BPDA Monitor)**

#### **Project Overview:**

**Joseph Rose (Dellbrook JKS):** Overview of PowerPoint. Explained that SMC bought project from Dinosaur LLC and the BRJP ordinance was not followed under the prior ownership. **Commissioner Watson** had concerns regarding the explanation. **Takara Hamilton (BPDA Monitor):** The new ownership along with GC is making efforts to correct what was not done under prior ownership. **Commissioner Cofield:** It was mentioned that Turner Construction and Shawn Lee is partnering with Boston Carpentry, a local minority contractor. Boston Carpentry is a framer not concrete. What is the rate of pay and is this a joint venture? **Joseph:** This is not a joint venture and Dellbrook does a 2<sup>nd</sup> tier lien waiver to make sure fare wages are in order. **Commissioner Cofield:** It is important not to play down MBE contractors that have the capability to do the entire job and not be 2<sup>nd</sup> tier. **Takara** expressed that this was not the case and reiterated the effort to rectify prior mishaps under previous owner that had no MBE partnerships. She also explained that this is not a prevailing wage job, and that the capacity of monitoring is for diversity goals. **Commissioner Cofield:** Turner does not have good history of hiring goals and you cannot add framer numbers with concrete. Are all getting the same rate? **Joseph:** Shawn Lee is getting a lump sum rate. **Sheryce Hearn (Dellbrook JKS):** The goal was to partner with them for labor. This is new and details are still being worked out. We will follow-up on your concerns regarding rates/wages.

#### **Public:**

**Janet Jones (Dorchester, Roxbury Labor Committee):** I live nearby and recently visited the project. There was 1 worker of color, no females and the Dellbrook person I spoke with did not seem aware or concerned with the lack of diversity. There are application forms and a drop box onsite, however, because this project is in a diverse area, more needs to be done to inspect our neighborhood.

### **B. MGM Music Hall**

**Duration: 24 mins**

**Present: Nathan Burnham (Gilbane), Danielle Skilling (Gilbane), David Friedman (Fenway Sports Group Real Estate, General Counsel) and Stacey Watson (BPDA Monitor)**

## Project Overview:

**Nathan Burnham (Gilbane):** 2 phase projects, 100% bought out (Union). **Danielle Skilling (Gilbane):** Diversity and Inclusion at Gilbane is a team effort and is communicated in all meetings with subcontractors. We have a relationship with Building Pathways, Madison Park Technical Vocational HS, MA Girls in Trades, PGTI. Need to reach back out to Youth Build. My expectation is good success on this project. Through the Gilbane Rising Contractors Program we have a goal of 20% M/WBEs. There are 7 M/WBEs on this project (4 are Tier to Select Demolition). **Commissioner Watson:** In light of the WGBH investigative report of the Worcester Red Sox - Woosox Stadium project and inaccurate reporting that ties into racial wealth gap of M/WBE (0.5% vs 4), what practices and policies are in place that are different? **David Friedman (Fenway Sports Group Real Estate):** As counsel for developer, John Lister and I are executives, not involved with the Worcester project. That is the biggest difference. You have our commitment to the City's requirements. **Commissioner Watson:** Leadership and direction starts at the top, thank you for your words of commitment. **Nathan:** I was not directly involved; we are proud of M/WBEs 13 ½%. Final reporting is still to be done. The workforce goals on that project were 25/ 15.3/ 6.9. We achieved 21/ 25/ 6. On this project, there is a standing meeting every Monday (go over implementation of BRJP ordinance goals). **Commissioner Watson:** Your response raises higher concerns, and my question was not answered. According to the WGBH investigation there was misleading information. The recent City of Boston Disparity study shows better can be achieved. **Commissioner Burton:** Interested in knowing what process to pivot to another contractor or 2nd tier in the event goals aren't able to be met. **Danielle Skilling (Gilbane):** Based on systems in place at the time (Chapter 149A process), we feel the 13 ½ % was a success, however going forward, we realize we need to improve and are making efforts to do that. We are currently onboarding subs to Salesforce. Workforce percentages are not available now. If you look at jobsite, you will see a diverse workforce (People of Color and Females). **Stacey:** This project is just starting off with 1-2 subs reporting, we do not monitor for and cannot track M/WBE but ask that GC make effort to hire M/WBEs. **Commissioner Watson:** My concern is if there is misleading in one area, most likely it is a pattern for another. **Stacey:** We track residents and can provide proof for that. We cannot question how a person identifies themselves. **Danielle:** In regard to workforce, now that we are using Salesforce, subcontractors are entering the data themselves, however, I will regularly visit sites to confirm what is being entered. I hope those who have worked with me know how important and personal providing opportunities for people of color and women is to me. My involvement with M/WBE is a newer piece and my goal is to do the best I can. **Commissioner Burton:** Thank you for your commitment Danielle. I was hoping that management would address a pathway to pivot in the event the numbers are not being met by the contractors on this project. **Stacey:** Because of the excellent numbers on previous jobs with Danielle's oversight, I am hopeful this project will have the same outcome.

## Public:

**Katrina Conrad (Madison Park Development Corp.):** In reference to the slide that credited Gilbane's Contractor Mentoring Program with M/WBEs. How many have graduated since It is inception and how many are on this project? **Nathan:** I do not know the answer to that but will follow-up with that data for graduates (since 2010 inception) and trades onsite. **Commissioner Burton:** You should know who were invited to bid and who has been successful. Please provide the data to Ms. Odom. **Nathan:** Fair point. I will provide that information. **Commissioner Watson:** I have expressed my concerns and hope the results are better on this project. We look forward to your review.

## III. PROJECT REVIEWS

### A. LaGrange Building (47 – 55 LaGrange Street)

Duration: 27 mins.

Present: Eric Chiasson (Tishman), Brian Wolfe (Tishman), Kevin Daly (KPD Advisors) and Stacey Watson (BPDA Monitor)

## Project Overview:

41,982 wkhrs, 268 workers, 23%BR, 26%POC, 8%F

**Stacey** gave overview (This project is on Salesforce). **Eric Chiasson (Tishman)**: H. Carr Drywall is on site and will be ramping up which will improve numbers. Hub Foundation has completed their work at 39%BR, 25%POC, 0%F. State Electric is onsite with 2 workers and will be ramping up in 2 months (expect numbers to increase). Reflection Window has Metro Glass as sub tier (expecting good number in all 3 categories). Hub sent Best Faith Effort Letters regarding female participation outreach. **Commissioner Watson**: 95% of Corrective Action letters are a regurgitation, but Hub's letter was genuine and listed resources that the Commission would have recommended. **Eric**: We are close to 9%F and expect those numbers to increase. **Brian Wolfe**: The project is 50% complete. Working on 14<sup>th</sup> floor (22 Story bldg.) Topping off Concrete in 1 ½ months and Enclosure end of August 2021; fit out between June 2021 - February 2022 with expected project completion 5/2022. **Commissioner Espinoza-Toro**: Looking at the data from BPDA, your people of color numbers are good. J Derenzo is bringing your numbers down. Commonwealth Plumbing's numbers have decreased from 21% to 3%. Please address J Derenzo and Commonwealth Plumbing. I would like to promote giving opportunities to other subcontractors that have better numbers. **Eric**: J Derenzo completed some work and will be back. **Brian**: Commonwealth Plumbing will be ramping up based on schedule of fit out of the building and has brought on a couple of female workers. We will reach out to these subcontractors you mentioned and share your comments. **Eric**: Commonwealth Plumbing has hired 7 people (3 Boston residents, 1 Person of Color and 2 Females). **Commissioner Burton**: Historically, Commonwealth Plumbing has been known to have no Boston residents or people of Color and needs close monitoring of their performance.

**Public:**

**Janet Jones (Dorchester, Roxbury Labor Committee)**: I want the record to show, Danielle Skillings goes out of her way to make things work. I have worked with her on various project (UMass and the Charter School project in Roxbury). Stacey Watson is one of the best in the business of oversight. She is a star monitor on any project!

**Commissioner Watson**: Is Commonwealth Plumbing union? **Answer**: Yes. Has Barry Keady (Local 12 Plumbers) been involved? **Brian**: I have not talked to Barry recently and will reach out to him. **Stacey**: I want to give a shout out to Eric. He has been great in communicating with me (even on his time off).

**Public:**

**Priscilla Banks-Flint (BEIJ)**: Question about getting the recording for the Bi-annual City Council meeting with BRJP/BEC. Celina will refer her request to Councilor Edwards office. **Susan Moir**: Would like to see Hub Foundation's Best Faith Effort Letter and suggested this comment in the chat: Rather than read all the data for all the unions and the subs, why not use the best practices HIPP Analysis (High Impact Poor Performers) Available from PGTI. Focuses on the problem areas where corrective action is needed. For example, Derenzo fills to meet the women's goal consistently across projects.

**B. 125 Amory Street**

**Duration: 22 mins.**

**Present: John Harding (The Community Builders), John Cullati (Bilt-Rite Construction), Krissy Magown (Bilt-Rite Construction) and Pamela Ruffo (BRJP Monitor)**

**Project Overview:**

**117,350 wkhrs, 406 workers, 47%BR, 68%POC, 6%F**

**Pam Ruffo (BRJP Monitor)**: The top 2 subcontractors on the project had outstanding performance Save On Wall 1<sup>st</sup> largest subcontractor who exceeded the goals for Resident & POC: Resident 55% & POC 49%. And performed well with 7% female participation. The 2<sup>nd</sup> largest subcontractor onsite is Paragon Global, a non-union MBE business with workforce participation of Resident 41%, POC 100% & Female 9%. They employ Asbestos workers which achieved 9% female workforce participation on the project. It was a true pleasure working with these companies and all the workers. They committed to reaching the workforce goals and they kept their commitment even as their scope of work decreases. **Commissioner Espinoza-Toro**: I'd like to 2<sup>nd</sup> the highlighting of Save On Wall and their increase over the course of 5 years from 20% POC to 45%POC. Commend Paragon Global as well and hope GC's give them more work. **Commissioner Cofield**: I second Commissioner Espinoza's comments on Save On Wall and I want to further commend Bilt-Rite and Community Builders for being the right contractors who are

committed to meeting the hiring goals. They are a local contractor that needs to get more recognition.

**Commissioner Watson:** I agree with all that was said. Every Bilt-Rite project is consistent in meeting or exceeding goals. Regarding late payrolls, are these 2 firms smaller in size? I have noticed that smaller shops have a 2-week payroll cycle as opposed to larger shops that have 1-week cycles, which can pose a challenge. Late payroll submission has lots of offenses and smaller contractors are usually M/WBEs who are at a disadvantage. We must revisit the late payroll structure. BEC raised this issue with the City Council in our Bi-Annual Hearing.

**Commissioner Espinoza-Toro:** NER Cons Mgt employs Bricklayers, Carpenters, Laborers, Mason Tenders & Tapers and had 1% Female. For my own personal knowledge, is this because there is not a high representation of women in these trades and if so, could that be an opportunity? I ask because I work with people of color and women in Construction industry. **Pam:** NER struggles with female participation more so regarding specialty work (outside work/safety). We emphasize to the subcontractors to build their core crew with more female workers in the trades like laborers or carpenters which can help if they cannot find a female in a skilled trade that is needed.

**Commissioner Cofield:** We have skilled insulators for alucobond panel systems. If companies come in at the beginning to meet goals, then there will not be a problem at the end. **John Cullati (Bilt-Rite):** Female workers is a difficult goal to meet. There is a pipeline of women in the hundreds looking to have opportunities in all the trades. Liz Skidmore, Susan Moir and Building Pathways are resources to reach out to. If the halls do not have folks, let's reach into the pipeline. Bilt-Rite does good. The exception to the rule is that NER did not meet the goals here.

**Public:**

Wawa Bell: Sanctions will help everyone do better.

**Jeff Saliba (Insulator's Union):** There's a wage theft concern with Industry Solution. The AGs Office is investigating. **John Cullati (Bilt-Rite):** This is a Davis Bacon job and we check the rates (Krissy and Pam) with certified payrolls. Industry Solution is a subcontractor of General Air. Our contract is with General Air and I was not aware of this. **Krissy Magown (Bilt-Rite):** Will follow-up with access officer info for payroll for Jeff Saliba.

**Janet Jones (Dorchester, Roxbury Labor Committee):** Bilt-Rite is a good outfit.

**C. UHomes at 90 Antwerp Street**

**Duration: 19 mins.**

**Present: Kamran Zahedi (Urbanica), Rob Cappadona (Urbanica), Christopher Rooney (DND) and Robert Woodson (BRJP Monitor)**

**Commissioner Watson recused himself due to his employer, MHIC, providing financing on this project. Commissioner Burton Chairs.**

**Project Overview:**

**32,665 wkhrs, 100 workers, 35%BR, 88%POC, 18%F**

**Robert Woodson (BRJP Monitor):** The project is 60% complete located in Alston-Brighton and is a 20-unit housing development (12 affordable units). I would like to highlight NHK Electric (MBE) for exceeding the goals in all categories at 70%BR, 100%POC, 25%F. Since the creation of this report, they have reached 100% Boston Resident Verification. There has been a correction to Turnkey Lumber's work records that stated 2010. It should have been 2020. **Commissioner Burton:** I would like to highlight the General Contractor for this work that speaks for itself. It shows that Urbanica Design Development is committed to this work. **Commissioner Espinoza-Toro:** Urbanica's historical record shows increase from 2017 at 27% to 2020 to 87%. I commend their progress. NHK Electrical has outstanding numbers historically and received mentoring from NEI. This is an example of M/WBEs ability to grow and prosper. **Commissioner Cofield:** Urbanica (Kamran Zahedi) is a company committed to this program. Smaller units is difficult to get and I commend Kamran's efforts. This is another local contractor who is qualified and not getting the work. Kudos to you Kamran. We are working on getting you more work. **Rob Cappadona:** As Robert mentioned, the project is 60% complete. We will improve the Boston residents with the remaining 40%. 60% of all contracts are MBEs. We send Best Faith Effort letters to get subcontractors to comply with female participation. **Commissioner Burton:** Your numbers speak for themselves. We applaud you for your efforts on MBE subcontractors as well as the labor force. Robert, thank you for your monitoring and amplifying NHK Electric.

**Robert:** This is Robs first time with BRJP. There has been a learning curve and he has acclimated himself. **Priscilla Banks-Flint (BEJ):** Kamran Zahedi gave \$400,000 to non-profits of Roxbury and committed to paying workers \$18 hr. He cares about our community and he deserves to get larger jobs.

**Commissioner Burton:** Today is Administrative Assistant Appreciation Day and I want to acknowledge Ms. Odom for her administrative assistant work. Further acknowledgement is made by the community in the chat and BRJP staff and other BEC Commissioners. **Kim Odom:** Thank you!

#### **IV. DIRECTOR'S REPORT:**

**Duration: 11 mins.**

**Celina Barrios-Millner (Chief of Equity and Inclusion):** Jobs bank Coordinator, Janine McLaren will host a Jobs Career Fair on the virtual platform, Remo, Thursday, April 22<sup>nd</sup> 4pm – 6pm. Focusing on Open Shop. Invitations went out to contractors not meeting BRJP goals and workers who have applied to the Jobs Bank. The goal is to match projects and workers. Lonnie Daniels asked to provide the Jobs fair link in the chat. **Commissioner Cofield** congratulated Celina on her new appointment as Mayor Janey's Chief of Equity and inquired if there would be disruption to positions with the BRJP staff and a replacement for her former position? Celina expressed that her new position doesn't just encompass accountability but enforcement of equity city-wide and BRJP, and Supplier Diversity will sit within the equity cabinet. There will be a replacement for Celina's Director position. BRJP gained 2 new construction monitors, Nelson Cunha, and Celso Ribiero. For the first time in BRJP's history, there are 7 Construction Monitors. **Commissioner Francis:** I was wondering as this work moves over to a new office if there's opportunity to revisit a stronger response to repeat offenders not meeting BRJP goals – and a repositioning that allows for fresh thinking to combat chronic challenges. **Commissioner Espinoza-Toro** second that sentiment. **Commissioner Watson:** In light of the Disparities Study, there seems to be more legal backing than before. The future looks a lot brighter for the accountability aspect of the Commission. **Celina:** I welcome your recommendations. There are tools in the Ordinance to leverage and this is a good time to propose enhancements that address the record of non-compliance with the BRJP policy. **Watson:** A list of repeat bad players would create opportunity for contractors to hire better. **Commissioner Everett:** Is this your last meeting Celina? **Celina:** No. **Commissioner Watson:** Congratulations to you Commissioner Everett for your appointment by Mayor Janey to Office of Police Accountability and Transparency. **Commissioner Everett:** I will have to see if I can continue to serve on the Commission. I'm hoping I can remain. **Commissioner Watson:** We hope you can as well.

**Commissioner Burton** motioned to accept the Director's report, **Commissioner Francis 2<sup>nd</sup>** and all Commissioners approved (Commissioners Burton, Cofield, Watson, Everett, Espinoza-Toro and Francis).

**Commissioner Watson:** Asked for motion to adjourn. Commissioner Cofield motioned, Commissioner Burton 2<sup>nd</sup> – all Commissioners were in favor.

**Meeting adjourned: 2:55**