

Boston Employment Commission Hearing Minutes

A monthly hearing of the Boston Employment Commission (**BEC**) was held virtually on Zoom, August 17, 2022.

Commissioners Present: Commissioner JocCole “JC” Burton, Commissioner, Travis Watson, Commissioner Kenell Broomstein, Commissioner Charles Cofield, Commissioner Priscilla Flint and Commissioner Darrin Howell

Hearing Begins: 1:05 PM

Commissioner Burton welcomes new Commissioner Darrin Howell and welcomes back Commissioner Priscilla Flint

I. ANNOUNCEMENTS

New Deputy Director of Supplier Diversity, Omar Khoshafa
New BEC Commissioner, Darrin Howell

II. MINUTES

June 2022 Minutes approved. May 2022 Minutes are still pending approval. Commissioner Watson motioned, Commissioner Howell second and with the exception of Commissioner Burton abstaining, it was approved with the remaining I's.

III. SPECIAL PRESENTATIONS

A. Burbank Terrace

Duration: 20 mins

Present: Patrick Larcom (Haycon), Peter Lavelle (Haycon), Aaron Speagle(Haycon), Darren Maguire(Haycon), Nick Pittman (Fenway CDC), John Suneeth (Fenway CDC), John Feuerbach (MOH/Mayor's Office of Housing) and Robert Woodson (BRJP Construction Monitor)

Overview:

Patrick Larcom (Haycon), Project is located at 72 Burbank St. and is a 27-income-restricted development (8 studio, 7/1-bdrm, 12/2-bdrm, 6 floors with Garden Level, onsite laundry/bike storage and no parking permits for residents. **Construction Schedule:** 6/2022 – 8/2023 (Final Permitting and Approval; Site Preparation and Ground Improvements; Foundation; Superstructure; Rough Construction; Finishes & Exterior site-work; Utility Connections & Drainage and Close Out). **Commissioner Cofield:** How many subs are bought and how many are local contractors? **Patrick (Haycon):** HVAC/Plumbing (MBE) owned and staffed by folks from the City of Boston. Concrete sub is local. Excavation team is City of Boston residents. I will put together a list. **Commissioner Cofield:** Historically outside companies have problem with meeting workforce commitment to Boston. This is 100% non-union? **Answer:** Yes, Open Shop. **Commissioner Cofield:** Project 50 units and under don't usually get union bids. **Patrick:** We are open to work with union wherever possible. **Commissioner Watson:** By way of a general comment, I'm a firm believer hiring MBEs is a good way to chip at the wealth gap and I see that in the past 24 months there has been a concerted effort to do that with this project and I think your efforts to have 35% MBE participation, should be noted. **John Feuerbach (MOH):** The project is fully supported by the Mayor's Office of Housing. While this is not city land, there are 2 Sources of city funds (\$2.8mil).

B. Landmark Phase 3 (421 Park Drive)

Duration: 26 mins

Present: John Walsh (Samuels & Associates), Brooke Woodson (Suffolk Construction), Frank Craemer (Suffolk Construction), Sokol Kodrasi (Suffolk), Dakota Jones (In Order Business Development Solutions) and Patricia Maragioglio (BRJP Monitor)

Overview:

John Walsh (Samuels & Associates): Joint venture with Alexandria Real Estate and Samuels & Associates. Landmark Phase 3 is located at 421 Park Drive. 575,000 SQFT mixed-use building, 14 floors w/subgrade parking levels. Future supermarket, restaurant and life sciences levels (renderings presented). **Sokol Kodrasi (Suffolk): 3 – 4 years construction schedule, 8/2021 – 10/2025 – Enabling phase 8/2021 – 9/2022, Foundations 9/2022 – 3/2023, Superstructure & Envelope 7/2024 – 10/2024, MEPFP & Core Fit Out 6/2024 – 10/2025. Awarded:** Sitework & Slurry Wall (Welch Corp / Trevi Icos and Curtainwall (Ferguson Neudorf Glass. **Upcoming:** Concrete, Structural Steel, Elevators, Mechanical, Electrical, Fire Suppression, Plumbing, TelData. **Brooke Woodson (Suffolk): Workforce Initiative, Community Outreach, Best Practices. Dakota Jones (InOrder Business Solutions): Job Application Process. Commissioner Watson:** It’s a fruitless effort if the union isn’t meeting the workforce goals of the ordinance. **Commissioner Flint-Banks:** In agreement with Commissioner Watson regarding union workforce transparency.

Public:

Mary Vogel (Building Pathways): There are no statistics on journeymen. Apprenticeship – 10% women, 30% POC and 90% women/people of color in apprenticeship program. The vast majority of Building Pathway is Boston residents but we don’t have statistics. These stats aren’t there for non-union either and there’s no challenge to that! Building Pathway has 85% placement in union (MBTA related) recognized nationally for high placement rate. **GBH (Paul Singer) asked about Suffolk’s returning citizen engagement. Brooke Woodson (Suffolk):** We have done work with returning citizens. **Dakota Jones (InOrder Business Solutions):** InOrder has been engaged with some programs involved with returning citizens.

Commissioner Cofield: Unions are low hanging fruit. The concerns expressed need to be addressed in another forum. **Commissioner Burton:** Gives backstory and context as to why these concerns are raised.

Public:

Mary Vogel (Building Pathways): The Transformation Project (returning citizen organization) is hosting an event this Sunday. Building Pathway will be attending. Union trades are largely CORI friendly. Unfortunately, post and pre COVID there was no more funding for Project Exit. We hope to return to that program.

IV. PROJECT REVIEWS

A. Winthrop Center

Duration: 30 mins

Present: Kathleen MacNeil (Millenium Partners Boston), Corey Allen (Suffolk Construction), Geoff Witheford (Suffolk Construction), Jake Hafensteiner (Suffolk Construction), Brooke Woodson (Suffolk Construction) and Pamela Ruffo (BRJP Construction Monitor)

Project Overview:

897,571 wkhrs, 1,812 workers, 35 Contractors, 33%BR, 32%POC, 8%F

Pamela Ruffo (BRJP Construction Monitor): The project has had a BEC Special Presentation on 12/19/18 and Project Reviews on 06/19/19, 01/15/20, 01/20/21 & 09/15/21. Construction started November 2018 with a completion date of 05/2023. The project is reaching 80% complete. The comparison between the 09/15/21 BEC review & the current overall participation: The overall number of work hours increased by 462,377 hours (from

435,194 to 897,571); number of workers increased by 435 workers (from 1,165 to 1,812); Boston Residents performance decreased by 2% (from 35% to 33%); People of Color performance remain the same at 32%; Female performance decreased by 1% (from 9% to 8%); Even though the overall Resident & Female participation has slightly decreased from the previous BEC review. There are positive actions that were accomplished with several subcontractors (Pam shares a detailed overview of those subcontractors). **Commissioner Burton:** Pam's report s always gives great context. How many Building Pathway, Madison and YouthBuild worked or are working on this project? **Commissioner Watson** in response to his earlier comments regarding the unions, expressed the union's dominance in construction contracts in the city of Boston has had little impact to the racial wealth gap. Either the unions don't have the workforce the ordinance requires or they aren't placing those workers if they are there. **Commissioner Cofield** expressed that the concern about the unions should be addressed in another platform and with union leadership that has the ability to address those concerns. **Commissioner Flint** asked why a meeting with the unions can't happen. **Commissioner Burton** charged Omar to find out the process for getting a meeting with the unions' leadership and to report back within a week or when possible. **Commissioner Howell:** This being his first time in the space and observing, agreed with the recommendations of Commissioners Flint and Cofield. He shared his own personal experience as a person of color in the union arena having recently been elevated to a position that had not been held by a person of color. **Commissioner Burton:** To our white allies and others who are at this hearing, in context, there's a history that precedes this ongoing conversation we have at each of these hearings. There's been 10 Billion dollars spent in our region in construction over 20 years, yet there's a huge disparity for black people in an industry we used to build for free (100 year battle of racial exclusion). We do acknowledge Suffolk's efforts. There are barriers and we still need help.

B. 70 Leo M. Birmingham Parkway

Duration: 33 mins

Present: Julia Meier (Surus), Stephen Laverty (Jumbo Capital) and Takara Hamilton (BPDA Monitor)

Project Overview:

77,998 wkhrs, 509 workers, 23 Contractors, 17%BR, 43%POC, 2%F

Takara Hamilton (BPDA Monitor): There's been a challenge with getting response from subcontractors (mostly out-of-state). Opti-line (out-of-state/NH) and Superior Plumbing both have unverified workers. **Commissioner Burton:** We would expect Surus' numbers to be significantly higher across the board. What is Surus doing to address subcontractors lack of response to the monitor and what mechanism is in place to address the lack of response/compliance? **Julia Meier (Surus):** Lack of response may be due to summer vacation season (not an excuse). There is language in our contracts to withhold payments. **Commissioner Burton:** You mention withholding payments. Did you withhold payment from Lighthouse (10,676 wkhrs, 99wkrs, 0%BR, 37%POC, 0%F)? **Julia:** Lighthouse is in compliance with payroll submission. **Commissioner Burton:** It sounds like the withholding payment mechanism is specific to payroll compliance and not to other non-compliant factors. The unresponsive contractors and the unverified workers in particular. The Best Faith Effort (BFE) packet submitted with this report does show the follow-up to those concerns. **Commissioner Flint:** This project seems to have been going for a while with poor numbers. **Takara:** We have been reaching out to people for some time (2nd review). In the past I've written a sanction request for a non-compliant contractor. I can only do what's in my power to do. **Commissioner Flint** expressed that there should be a meeting with the City's Administration. **Commissioner Cofield:** This project is out of control – Optiline has been non-compliant since working in the city of Boston. Their concern is not Boston residents and Females and the reason why their People of Color numbers are high is because they are people from outside of the city of Boston (7,748wkhrs, 56wkrs, 32%BR, 100%POC, 1%F). **Commissioner Watson:** I've never seen a project meet goals based on walk-on application process. When subcontractors were awarded, how was performance history with BRJP weighed? **Julia:** During buy out process, we received contractor history reports from Takara. Electrician (Boustris & Sons) was determined that way and they have done well with Boston resident numbers (7,967wkrs, 23wkrs, 35%BR, 24%POC, 0%F). I will go back and look at our records and follow-up.

Public:

Mary Vogel (Building Pathway): Going forward the contractors should have a diverse core crew (to include tradeswomen) from the start which is Best Practice and clearly was not the case on this project. Out of 509 workers on this project only 10 were women. There should have been at least 7%. Our data has shown that between 2013 – 2018, 50% of tradeswomen hours worked were women of color. Women are the least represented of any group. We have an opportunity for women to be well represented on our projects.

Khalita Chambers-Walker (MOEOI Supplier Workforce & Diversity Outreach & Engagement Manager):
Wednesday, September 28, 2022, Opportunity Fair.

V. BEC Commissioners' Follow-up Requests/Concerns

- Burbank Terrace – Buyout list of local Contractors
- 70 Leo M. Birmingham Pkwy – Buyout Determination Process

VI. SANCTIONS:

- No Outstanding Concerns

VII. DIRECTOR'S REPORT:

Duration: 10 mins.

Omar Khoshafa (Deputy Director, Department of Supplier and Workforce Diversity): Thank you to everyone for your efforts. Construction Hiring Event 9/7/22, 4pm – 6pm, Bolling Bldg, Nubian Sq. combined open shop and union (contractors, subcontractors and jobseekers). Virtual hearings will continue to March 2023.

Commissioner Burton: I am joining this meeting while on vacation and need to leave. Commissioner Watson will chair the remainder of this hearing. This has been somewhat of a disappointing meeting. I'd like the sanctions discussion to be put back on agenda for September.

Commissioner Cofield: Was there an invitation to unions and open shop for tabling and how widely spread was the outreach for the hiring event to the community? Past events seem to lack in attendance. **Janine MacLaren (COB Jobs Bank Coordinator):** The Jobs Bank mailing list is over 500 individual and organizations (jobseekers, contractors/subcontractors, CDCs, Community Orgs, etc.).

Public:

Janet Jones (Community Advocate): Noted her Safety advocacy in the field with a project in the community not following OSHA (2 young workers of color in a basement without helmets). DOT Block / Cranes. **Commissioner Watson:** Janet, the city appreciates your advocacy in the community.

Commissioner Flint: Invited Janine for media outreach on her radio broadcast, Boston Black News (Boston Praise Radio) 2nd Thursday in September, 9am – 10am to talk about the City of Boston's Jobs Bank. **Janine:** More than happy to come on. I'd also like to add that Mass Hire is a partner I work with as well.

Motion to accept and approve Director's report (Commissioner Howell), 2nd (Commissioner Cofield) and all I's.
Director's Report approved and accepted.

Motion to adjourn meeting (Commissioner Cofield), 2nd (Commissioner Flint) and all I's.

Meeting adjourned: 3:11pm