

Boston Employment Commission Hearing Minutes

A monthly hearing of the Boston Employment Commission (**BEC**) was held virtually on Zoom, November 15, 2023.

Commissioners Present: Commissioner/Chair JocCole “JC” Burton, Commissioner Travis Watson, Commissioner Kenell Broomstein and Commissioner Chaton Green

Hearing Begins: 1:05 PM

Meeting Minutes were held over to be approved in December.

Commissioner Burton mentioned this being Apprenticeship week and the Mayor and Governor’s participation in visiting local unions and their commitment to the workforce in the Commonwealth. Commissioner Burton introduced the new Boston Employment Commissioner, Chaton Green.

Commissioner Green greeted everyone. He is a Building Pathways alumni (class of 2014) and was a 5 yr Sprinkler Fitters Apprentice (2014) and works in the Local 550 Sprinkler Fitters Trade. This is his first year as a Business Agent. Human interests and helping people is his inspiration.

Commissioner Burton: Commissioner Green coming from the apprenticeship route through the trades is a great part of what the mission of this commission is built on.

Commissioner Green received lots of welcomes from fellow commissioners and those in attendance.

I. SPECIAL PRESENTATION

A. Enterprise Research Campus Tree House

Duration: 18mins.

Present: Michael Bongiorno (Tishman Speyer), Nicole Roman (Consigli), Chrystal Stowe (Smoot Construction), David Cullinane (Consigli) and Pamela Ruffo (BRJP Construction Monitor)

Michael Bongiorno (Tishman Speyer): Powerpoint presentation. Construction completion is estimated for the summer of 2025. Project is a 3 story, 55,090 sqft building. **Chrystal Stowe (Smoot Construction):** Harvard and Tishman Speyer committed to 15% M/WBE participation. A joint venture (Consigli-Smoot), the Consigli/Smoot team prioritized M/WBE outreach and participation throughout the bidding and procurement process, requiring all bidders to provide MBE and WBE participation options. Currently there are 13 executed prime subcontract agreements which include the award of 10 M/WBE firms at both the prime and sub-tier level. BRJP requirements/goals is included in all subcontracts. BRJP is an agenda item at the weekly subcontractor and owner meetings where the projects actual goals and concerns regarding workforce are discussed. Tishman Speyer has raised ~\$30 million in equity, equal to 5% of the project equity, from over 150 Black and Latinx households from a wide range of backgrounds and professions, including local Bostonians. This represents the first opportunity for many to invest in a large-scale development project of this nature. **Commissioner Burton:** This project is built on principles of diversity from an inclusionary standpoint and it will be good to see the outcome. **Commissioner Watson:** For future presentations, it would be helpful to have the M/WBE numbers separated. The gender wage and wealth gap between the two are different. In regards to apprenticeship opportunities, unfortunately, it’s unrealistic that these young people will work on this project given the lengthy apprenticeship process. However, the efforts to expose them to what it looks like is appreciated. What tools/teethe does Consigli-Smoot have to hold contractors accountable? **Nicole Ramon (Consigli):** Withholding payment, putting subcontractors on notice as we keep track and will withhold until they become compliant. If they’re not meeting their contract terms, we don’t have to pay (*withhold certain percentage/labor costs*). **Commissioner Watson:** That’s a profound statement (*gave examples for clarification of the statement*). **Nicole:** I will get a more firm answer from Dave and the team and get back with the BEC on our standard procedures. **Commissioner Burton:** Thanks all the parties (*Consigli-*

Smoot, T.H. McClory LLC, KAGE Growth Strategies LLC and InOrder Business) for their time and participation and acknowledged the developer, Tishman Speyer for their presence which makes the project stronger.

II. PROJECT REVIEWS

A. Old Colony Phases 4 & 5

Duration: 18mins.

Commissioner Watson recused himself due to his employer's (MHIC) connection with the project (he went off camera and muted himself).

Present: Darcey Jameson (Beacon Communities LLC), Christopher Iannelli (Cranshaw Construction) and Patricia Maragioglio (BRJP Construction Monitor)

Overall Numerical Compliance: 90,041 Workhours, 488 Workers, 21 Contractors, 13% Boston Residents, 49% People of Color, 4% Females

Patricia Maragioglio (BRJP Construction Monitor): This project is located at 72-110 Mercer Street, Boston, MA 02127. The plan consists of the demolition of 7 buildings with a combined total of 208 units of public housing built in the 1940s, and the new construction of two 5 and 6 story buildings of 208 units for public housing (*Boston Housing Authority*). Cranshaw partnered with YouthBuild Boston to hold a Job fair in January 2023. There was an estimate of 26 community members in attendance. A free OSHA 10 class was held for all of their attendees with the outcome of 20 Certifications given (*7 Residents, 6 minorities and 4 women*). Two students were enrolled in their pilot program. Second Job fair - Meet & Greet Construction Representatives was held in August 2023 alongside YouthBuild Boston, Local 103, Carpenters' Training Fund and Job banks. 3 of the 5 Major trades are meeting or exceeding the 40% of POC goal. Concerns for Old Colony are reaching BRJP goals in regards to Boston Residents or the lack of available residents that are in the union. There were a couple subcontractors who weren't reporting within the 7 business days in late of 2022. Cranshaw has worked with the subs to become current in the most recent months (*last 6 months*) and their weekly payroll is now in compliance. **Commissioner Burton:** Last month the BPDA research team presented an Economic Impact Analysis that showed 77% of the construction workforce was from outside of the city. These numbers (13%BR) tell the story. How is Cranshaw working with subcontractors to prioritize hiring Boston Residents. **Patricia:** This is a 100% union project and can't hire outside of the union. **Christopher Iannelli (Cranshaw):** 50% of the work is complete (foundation of both bldgs., structural frame, windows and roof). Carpentry has been the lion share of work on the site and there has been a challenge getting Boston residents from the labor trades. However, the carpentry trade has performed better than most. We have had preliminary meetings with the Mechanical and Electrical trades and project that for the finished trades more Boston residents will be brought on. We are meeting directly with the Carpenters union, pre-apprenticeship programs, local 103 (Electrical) and looking to partner with local businesses. **Commissioner Burton:** Chris, I appreciate that summary. Are you saying, carpentry subcontractors have reached out to the unions and they have no one available or only core crew? **Chris:** It's a combination. The labor workforce is coming from the Metropolitan Boston area and subcontractors are trying to supplement. The construction industry is still busy and demands on unions for Boston residents and females are challenging. We are trying to train those who don't have experience. We anticipate having an OSHA 30 training (*local business sponsorship*). Errigal Construction (home office out of state) has 22%BR, exceeded People of Color and ok on Female numbers. **Commissioner Broomstein:** Who's doing the electrical work? **Answer:** Cruz Electric. **Commissioner Broomstein:** Is there documentation of their outreach to the union hall for Boston residents, Females and people of color? The availability exists. **Chris:** Cruz hasn't done much on site yet. They will start later in December. It's good to hear there are people available. **Commissioner Burton:** Based on the history of the BEC/BRJP contractors have the responsibility to help build the pipeline. The last 3-6 months' presentations that have come before the BEC gives examples of ways to approach it. Building Pathways is one solution, but not the only solution. It's an inclusive strategy - vocational training, workforce training and pre-apprenticeship programs that can bring successful outcomes. This project being 50% complete with low Boston residents or female participation is disappointing and perhaps missed meaningful outreach opportunities. Janine McLaren, the BRJP Job's Bank Coordinator is on this call. She's the contact person for the city to assist with opportunities available on construction work sites. **Chris:** Commissioner your comments are understood. Cranshaw has other projects in the city that are performing well with Boston residents and we are working towards having that balance on other projects. **Commissioner Burton:** I would like a written plan going

forward. Ms. Odom, let's follow-up to have that submitted by January 2024. **Commissioner Green:** I didn't raise my hand, but I'm listening and looking at the numbers. There's always room to improve outreach which is key. I would like to see the strategies to build the numbers. I agree with the pipeline approach, I came through a pipeline that was directly attached to project labor agreements. **Chris:** We will address the going forward plan in the next couple of months. **Darcey Jameson (Beacon Communities):** We will follow the recommendations, work with the Cranshaw and give something by the end of the year. **Commissioner Burton:** Darcey, thank you for being here and taking extra care for priority of Boston residents. **Darcey:** We will keep in touch with Chris Brown and other city staff (Boston Housing Authority). We are open to directives and feedback (*I'm taking notes*). **Commissioner Burton:** A recommendation is to have your Business Agents be aware of the workforce and timing of your needs. As Commissioner Green noted, he went through a 5 year apprenticeship (*Sprinkler Fitters*). It's a lengthy process and the impact to the pipeline is slow growth, but being strategically intentional is necessary.

B. 37 Wales Street Phase 2

Present: Timothy Flynn (Heading Home Incl), Brenda Laurenza (Bald Hill Builders), Carol Fuller (Bald Hill Builders), Chrissy Clark (Bald Hill Builders), Andrea Monteiro (Bald Hill Builders), Mark Doran (Bald Hill Builders), Jake Keady (Bald Hill Builders) and Celso Ribeiro (BRJP Construction Monitor)

Overall Numerical Compliance: 12,847 Workhours, 93 Workers, 8 Contractors, 10% Boston Residents, 87% People of Color, 0% Females.

Mark Doran (Bald Hill Builders): PowerPoint - Bald Hill Builders is working with Heading Home Inc. to develop a new, 4-story apartment building with 20 family-sized apartments (2- and 3-bedroom units), first-floor common spaces, and a Program Manager office for Heading Home's staff to provide supportive services to residents. All the apartments will be targeted to extremely low-income families earning at or below 30% of the Area Median Income, a top housing priority for the City and State. The project is 42% complete and estimated completion is 3/2024. The awarded subcontractors (*list provided*) 100% bought out. **Chrissy Clark (Bald Hill Builders):** Workforce Diversity Efforts - Bald Hill Builders is a WBE, committed to diversity in the workplace and on the jobsites. Since January 2023 BHB has hired 20 people: 25% people of color in various positions - 25% Boston residents, which is notable since we are based in Walpole. 35% women: 2 female Assistant Superintendents, who may work on this project. A Field Technician from a career fair at YouthBuild Boston who will be working on a variety of projects as needed. A DEI Coordinator, who is a female person of color, to assist with workforce compliance in recognition of a greater need for DEI efforts. Matt Grosshandler, VP of Operations, is assisting a person of color to open his own MBE concrete business. Matt is also on the Board of YouthBuild Boston and teaches OSHA classes there. BHB partnered with Janine McLaren from the BRJP Job's bank and partnered with Benjamin Franklin. 9 MBEs - 40% vs 30% goal and 3 WBEs - 19% vs 15%. **Commissioner Burton:** Interesting story being told. While most of the companies are not Boston-based, they are M/WBE-based and I'm looking to see how that translates in the numbers. **Celso Ribeiro (BRJP Construction Monitor):** As of today, 9 of 11 Boston residents are verified. BHB is self-performing (504 work hours, 75%BR, 82%POC and 0%F). Since this report was done, the weekly payrolls have been brought in compliance. **Commissioner Watson:** Housing for median income is greatly needed and from a housing justice perspective, Kudos! I appreciate the separation of contracts between MBEs and WBEs. This is one of the first programs that for the lack of a better term, kicked butt on racial equity, but struggled on residents and women. Without having the Construction Value in front of me, it seems a considerable amount is going to black and brown owned businesses (*black and brown owned businesses tend to hire black and brown workers at a greater capacity*) the 87% reflects that. The challenges around Boston residents and females are obvious. The BPDA study presented to the BEC 2 months ago showed that if union construction in adhered to the BRJP for residents, it would increase wages by \$173.4 Million and increase Gross City Product by \$82.6 Million (*I realize this is open shop*). I commend the intentionality, the efforts and results of tackling the wealth gap, and raise concern and disappointment in lack of opportunity for Boston residents and females. **Commissioner Burton:** Your special presentation is very transparent. BHB self-performing numbers are exceeding in Boston residents and People of Color. The majority of subcontractors come from outside the city. Which makes it tough (*open shop labor market*). *Jodi provided the link to the BPDA EIA study in the chat.* In the chat, Commissioner Broomstein asked how the verification of the subcontractors as M/WBE is done. **Carol Fuller (Bald Hill Builders):** We have a database of thousands of businesses disadvantaged in one way or another compiled from SDO, Mass Housing and other organizations. We make sure they are SDO certified and some are self-certified. *Commissioner Broomstein checked on line for a particular business but didn't get any results of certification varication.* **Carol:** We can provide

the self-certified information. We do work with those who want to be certified with SDO. **Commissioner Watson:** I appreciate the self-identifying opportunity through Bald Hill Builders. I previously asked a question some years back while on the Mayor's Suppliers Diversity Council about what entails certifying MBE. Never got a clear answer and the bottom line response was – business ready (*an inherently flawed racist practice that only applied to MBE certification*). **Brenda Laurenza (Bald Hill Builders):** With regard to business ready, it has different variations. To be honest, working in Boston is quite challenging and small businesses get squeezed by the challenges. Working as a team is key and we are doing everything we can. **Commissioner Burton:** Absolutely correct. We can see that you and your team are making every effort, which is why we're perplexed. At a recent hearing held by the City Council, they were asking for contractors to come and give testimony. I'd like to invite you to a bi-annual City Council Hearing. The next one is April 2024. The City Council should hear your testimony. Jodi will extend the invitation as the hearing gets close. Brenda: I would love to be a part of that and I will be going through recertification soon. **Commissioner Green:** The diversity numbers and wrap around services resonated. I also think it's important not to forget the equity in equity and inclusion. Equity is about people getting paid equally across the board (*prevailing wage, etc.*). I too would love verification on the self-certification. **Commissioner Burton:** Ms. Fuller is going to follow-up in providing information on the self-certification. As a WBE, I didn't certify for a while and rejected it for some time and I understand the context. In regards to Commissioner Greens comment about equity as it relates to open shop workforce getting fair wages. This brings another conversation around equity (*open shop and organized labor*). We appreciate your efforts.

III. **BEC Commissioners' Follow-up Requests/Concerns**

Nothing outstanding

IV. **DIRECTOR'S REPORT**

Duration: 22 mins.

Jodi Sugerman-Brozan (Deputy Chief, Worker Empowerment): Apprenticeship Week – City of Boston's Office of Workforce Development (OWD) is hosting an Apprenticeship Fair, today at 3:30 at the Codman Square Library in Construction and Hospitality (information provided in the chat). Office of Workforce Development (OWD) has 2 grant opportunities in training partners: Neighborhood Jobs Trust and Coastal Resiliency. In addition to welcoming Commissioner Chaton Green, I'm pleased to announce the 2nd vacant BEC Commissioners seat has been filled by Donald Alexis, president of the Caribbean Integration Community Development, Commissioner Alexis will join us at next month's BEC Hearing. Next month's BEC hearing will be held on the 2nd Wednesday, December 13, 2023 (*Ms. Odom, please update the website to reflect this date*). We'd also like to welcome our new Admin & Finance Director, OWD, Thaianha (Thai) Belis. The new Construction Safety Ordinance (*Construction and Demolition*) is effective 12/1. We've had 3 information sessions on how to apply (150 attendees). Another will be held on November 29th. The payroll scan will be provided next month for November and December. **Commissioner Burton:** Will there be any sanction recommendations? **Jodi:** We apologize for how long it's taking. We've been working hard with the law department to develop a transparent, clear and replicable process that will be used going forward. Thank you for your patience.

2:40pm Meeting adjourned (Commissioner Watson motioned, Commissioner Broomstein 2nd, I's approved)

KO/BEC Coordinator