

Boston Employment Commission Hearing Minutes

A monthly hearing of the Boston Employment Commission (**BEC**) was held virtually on Zoom, June 26, 2024.

Present: Commissioner Travis Watson and Commissioner Donald Alexis.

Absent: Commissioner/Chair JocCole "JC" Burton, Commissioner Chaton Green, Commissioner Kenell Broomstein, Commissioner Darrin Howell and Commissioner Priscilla Flint

Hearing Began: 1:06 PM

Due to lack of a quorum, April 17, 2024 and May 15, 2024 Minutes will be approved during July's BEC hearing.

I. ANNOUNCEMENTS

Jodi Sugerman-Brozan (Deputy Chief, Office of Worker Empowerment): Safety in construction - The City of Boston's Office of Labor Compliance and Worker Protections is hosting two webinars on July 2 and July 15, both at 5:00 pm, to help employers and workers learn how to stay safe when the temperatures soar. The webinars will review the signs and symptoms of heat illness, employer responsibilities, workers' rights, how to create a Heat Illness Prevention Plan and more (*Registration link provided in the chat - boston.gov/labor-policy*). On July 11, 2024, the Dept. of Commerce and NOAA (National Oceanic Atmospheric Administration) announced a \$16M Climate Ready Grant of which the City of Boston's Office of Worker Development was awarded \$9.8M (largest portion to Boston). It will be called the Greater Boston Coastal Resilience Jobs Alliance. This is employer-driven and 13 employers are committed to providing 1200 jobs relating to green infrastructure both in the public sector and building trades.

II. SPECIAL PRESENTATIONS

A. Franklin Cummings Tech

Duration: 15 mins.

Commissioner Watson disclosed that his employer, MHIC, is providing part of the financing for this project. However because it's a Special Presentation and no votes will be taken, he will listen to the presentation.

Present: Mat Scheller (LMP), Vagner Santos (Dellbrook One Way), Kyle Brunelle (Dellbrook One Way), Brianna Clark (Dellbrook One Way), and Takara Hamilton (BRJP Construction Monitor).

Located in Roxbury's Nubian Square, the new **Franklin Cummings Tech** campus will consist of a three-story, 68k sqft building, designed to house the school's technical and trade programs. It is a project-based learning structured building. The steel-framed structure will feature: a renewable-energy rooftop learning lab; a ground-level automotive shop, open to the community and electrical labs & a HVAC / Plumbing Lab; Building systems such as HVAC, electrical, plumbing, and sprinklers will be exposed and incorporated into the building's interior design, to promote project-based learning in sustainable building management. The estimated completion schedule is Fall of 2025. M/WBE goal was 35%/10% and it's been exceeded at MBE 41% and WBE 26%. **Subcontractor Corrective Action Process:** Subcontractors who do not demonstrate best faith efforts to comply with BRJP will have the following actions taken against them: The project team is notified and made aware of the subcontractors' delinquency/noncompliance; A corrective action meeting is held; Payment is held; Meet with owner of the company; Removal from the project; Subcontractor is penalized for future projects. Safe & Respectful Worksite (SRW): "No Tolerance" policy for harassment and discrimination; Anonymous reporting of **safety violations, wage violations, harassment, and or discrimination**; QR scan code is placed around each project site & has been translated to: Spanish, Portuguese and Haitian Creole. **Commissioner Watson:** Takara do you have any concerns with this project? **Takara:** Dellbrook is a great partner. The project is in early stages of site development. All signage is in appropriate place and is accessible. No concerns at this point. **Commissioner Watson:** This project

was near and dear to our former Commissioner Dr. Aisha Francis who is the President of Franklin Cummings Tech. She wanted to ensure that a quality project was being built and that it would provide economic opportunities for M/WBE's, local residents and workers of color. When you're looking to make sure there is diversity, equity and inclusion as it relates to procurement on a project, it takes many partners to drive that home. I want to acknowledge Mike Fish (Dellbrook), Abe Gonzalez (One Way), Sheryce Hearn (Dellbrook) and others who have been instrumental to these efforts. The Trade Partner Engagement is impressive knowing the challenges to a harmonious worksite (union/non-union), 41%MBE and 26%WBE not typical utilization numbers (*renewed focus for M/WBEs*). Brianna, nice to meet you. Thank you for your leadership role (DEI). Who do you work for, Dellbrook or One Way? Brianna Clark (Dellbrook). **Commissioner Alexis:** Commissioner Watson said it well. Appreciate how you presented the data. Keep up the good work Dellbrook.

Public: Emanuel Payne (Payne Construction): Excellent presentation. I'm not trying to be a spoiler, but based on your description, I'm a local minority contractor who has been experiencing the disparities and racial inequity you shared. Opportunities have been closed for me. (*referenced, Dellbrook, NEI and Kaplan*). **Commissioner Watson:** Your story is important. What you are doing is brave. There is a systemic problem. I can commit to reaching out to the GC's for positive feedback on how to address your concerns.

B. 175 N. Harvard Street

Duration: 15 mins.

Present: Frank Morse (Harvard University Capital Projects), Dan Ryan (Harvard), Samantha Glatfelter (Shawmut Construction) and Takara Hamilton (BRJP Construction Monitor).

Dan Ryan (Harvard): Located at 175 North Harvard St in Allston, the new ground up American Repertory Theater will be home to Harvard's performing arts space. The building will be approximately 86,400 sqft, 3 stories and structurally comprised of steel but primarily Mass Timber / Cross Laminated Timber. Inside, the building will have two main stage areas (East and West) supported by on site wood/paint shops, dressing rooms, scenery assembly and full facilities operations accommodations. The building will have all new Sprinkler, Plumbing, Mechanical and Electrical systems. As well as new Electrical, Fire Protection and Water Service brought in to the building. The building will have two new elevators supporting operations and pedestrians. **Construction Schedule: Overall Construction Duration:** March 2024 thru October 2026; **Foundations:** March 2024-November 2024 **Steel/Mass Timber Erection:** December 2024-September 2025; **Roof & Façade:** May 2025 - November 2025; **Interior Construction:** October 2025- July 2026; **Exterior Construction:** April 2026-October 2026. Awarded sub – bought out: General Labor – Starlite; Concrete – G&C Concrete; Masonry – Phoenix Bay State; Steel & Misc – Berlin; Mass Timber – Nordic; Exterior Façade & Glazing – Sunrise Erectors; Waterproofing – Beacon; Fireproofing – Ricmor; Drywall – Angelini; Painting – Soep; Food Service – Boston Showcase; Stage Decking – Sightline; Stage Rigging – Chicago Flyhouse; Theatrical Lighting – Barbizon; Elevator – OTIS; Sprinkler – Carlisle; Plumbing & HVAC – JC Higgins; Electrical – Ostrow; Tel/Data – Spectrum; AV Systems – Solotech. **Pending Construction buyout:** Scaffolding; Rough Carpentry; Millwork; Roofing; Doors Frames & Hardware; OH Coiling Doors; OH Coiling Smoke Curtains; Sliding Sound Doors; OH BiFold Doors; OH BiFold Doors; Tile; ACT Ceilings; Carpet / Wood Flooring; Epoxy Flooring; Acoustic Panels; Specialties; Loading Dock Equip and Landscaping. **Samantha Glatfelter (Shawmut):** **Community Partnership/Outreach/Engagement** – Spring seems to be the time for Career Fairs and other outreach. We've been busy. Brooke Woodson is our Director of Diversity. He wasn't able to be here today. We have hosted and participated in Career Fairs. Through our Building Partner program we graduated 10 M/WBE subcontractors work on active projects. **Job Application Process:** Code is scanned; Form is completed by individuals who wish to apply for work at the job site; Applicants are referred to subcontractors, the union and/or the BRJP Jobs Bank; Shawmut follows up with all applicants and completes the results portion of the form and Form is forwarded onto BRJP Office. **Commissioner Watson:** Takara any concerns on this project? Takara: Shawmut had kickoff and we discussed necessary requirements. They have Brooke and he's amazing. It's early on, there's 7% Women participation, 30% POC and 24% Boston resident, which isn't great, but on par. This project is littler further along than Franklin Cummings which is why I shared numbers. Samantha has been very communicative. No red flags. **Commissioner Watson:** Given all you've expressed, I'm not surprised.

Public: Emanuel Payne (Payne Construction): I'd like to repeat the same sentiments I shared earlier and include Shawmut. These community outreach events are more showmanship events for the General Contractor. As a local minority contractor, I'd like to see more enforcement by the GC's. Brooke Woodson is a great guy, but I feel he can only do so much. **Commissioner Watson:** Appreciate your comments. There's a Bi-annual review of the

BRJP/BEC held by the Boston City Council I think would be beneficial for you and any other minority owned businesses you know who are experiencing what you have expressed today. We can make sure you receive notification when that next hearing is going to be held. **Commissioner Alexis:** Can there be an outreach to other M/WBE contractors? Jodi has put in the chat that she will work with the BEC Coordinator on that.

PROJECT REVIEWS

A. Roxbury Prep

Duration: 18 mins.

Present: Robert Baldwin – Qroe Preservation Development (QPDCO) Lindsay Richard – Qroe Preservation Development (QPDCO) Dave Guerino – Suffolk Construction Antonio Antenor – Suffolk Construction Ryan Conte – Suffolk Construction Jeff Martin – Suffolk Construction Dakota Jones – In Order Business Development Solutions Taylah Webster – In Order Business Development Solutions and **Takara Hamilton (BRJP Construction Monitor)**.

Overall Numerical Compliance: 19,781 workhours, 156 workers, 10 contractors, 22% Boston Residents, 45% People of Color, 9% Women

Takara Hamilton (BRJP Construction Monitor): Due to contaminated soil, this project had a long delay (was scheduled to start in May 2023). The BPDA and InOrder Business have had 8 pre-construction meetings to onboard all 10 contractors. Contractors appeared at the meeting they were scheduled to attend and were provided with BRJP Ordinance Documentation and supplemental paperwork (i.e., RVFS, Workforce Request forms) Revised June 18th 2024, Page 3 Boston Employment Commission Project Review Contractors were reminded of the BRJP goals for this project and were encouraged to send monthly BFE if they were struggling to meet the diversity goals. Contractors participate in “Hiring Logs” as BFE, which detail all potential applicants, their current location in the hiring process, and whether or not they were hired and why. All 10 Active Contractors comply with the weekly certified payrolls. All Contractors have submitted the necessary paperwork under the BRJP(QWPF and Questionnaires). Resident Verification is at 83%. The main issue is that S&F hires new residents weekly. I discussed with the admin the possibility of getting resident verification on the day workers are placed on site. **RECOMMENDATIONS: The BPDA Office recommends that** – Suffolk, InOrder, and BPDA continue to collect Best Faith Efforts from subcontractors who fall short of the BRJP. The BPDA, Suffolk, and InOrder Business will continue to work with S&F Concrete to collect resident verification forms and proof of residency. The BPDA Suffolk and InOrder will continue encouraging subcontractors to work with their unions and outside resources to increase diversity participation. The BPDA continues to encourage subcontractors to engage in community outreach and engagement opportunities to positively impact the pipeline of diverse workers into the construction trades. The BPDA will continue encouraging contractors to look outside the standard recruitment methods to diversify their workforce. The BPDA Suffolk and Inorder will conduct Corrective Action Meetings for subcontractors who fail to meet the 7 compliance efforts. The BPDA will continue to detail BFE to contractors who need help understanding the concept or what qualifies as a BFE. The BPDA will continue to push subcontractors to verify their residents until verification is 100%. **Commissioner Watson:** Appreciate the thorough and detailed report (*Skilled Trade Highlights, Subcontractor-Specific Trade Highlights and Contractor Specific Compliance Efforts*). This detailed information is helpful to the Commission and I realize a lot of effort goes into providing it. I’m a big advocate for government transparency and believe that people should know where and how their tax dollars are being spent, especially in light of the disparities study that was done a few years ago by the City of Boston, which showed a lot monies spent in the construction industry and a small portion impacting racial equity and inclusion. Commission Watson referenced Wayne Griffin of Wayne Griffin Electric as being one who took the critique of not complying with the BRJP Ordinance some years ago and was very pro-active in his response and has been since to be in compliance. I also noticed you mention 6 apprentices and there are 156 workers (1-26 ratio). Can anyone speak to this? **Takara:** Because we still have some issues with Salesforce (*which we are diligently working on*), I’m not sure of the accuracy. There could be more. That also applies to the People of Color (POC) numbers. **Commissioner Watson:** Thank you for that explanation. **Antonio Antenor (Suffolk) and Dakota Jones (InOrder Business Development Solutions):** Thanks Takara (and Tayla from InOrder) for support in helping with meeting numbers on this project and working through the challenges with the delay/pause of the project as Takara noted.

B. 350 Washington Street

Duration: 9 mins.

Present: Robert Ekherth – Druker Company (PMR LLC) Karen Blessington – John Moriarty & Associates Kate Blessington – John Moriarty & Associates Jamie Noonan – John Moriarty & Associates **Pamela Ruffo (BRJP Construction Monitor)**

Overall Numerical Compliance: 108,072 workhours, 492 workers, 16 contractors, 23% Boston Residents, 44% People of Color, 9% Women

Pamela Ruffo (BRJP Construction Monitor): The project is under the original Ordinance. The project had a Special Presentation on 03/15/23. The project is at 55% complete. There has been 71 apprentices working on this project: 15 Resident (39%), 34 POC (51%) & 17 Women (33%). 13 out of 16 subcontractors on the project employs apprentices. EM Duggan employed the most apprentices (14). The following top 5 subcontractors are the next with the most apprentices: S&F Concrete (12), Lund Rebar (11), A.A. Will (9), Prime Steel (6) & East Coast Slurry (5). JMA takes workforce compliance seriously with all their subcontractors. Their contract requires the subcontractors to provide any correspondence from their interaction with the Union Halls as well as best faith efforts the subcontractors have conducted to promote building the construction pipeline with more Residents, POC & Females. JMA contract further states failure to submit the required paperwork will result in the subcontractor's requisition being withheld. **Commissioner Watson:** Pam's report is very thorough. The letters provided from GC's who have reached out to union halls for workers to comply with the ordinance have become a recurring generic response (*cut and paste*) and I don't believe they are necessary and more so are offensive. Until the administration (*referenced being a Commissioner under Menino, Walsh, Janey and Wu*) is willing to hold the labor unions accountable to transparency on the demographic of their available workforce, this best faith effort is futile. A. A. Will has lots of workers/workhours and no Boston resident or Women participation. The root of racial inequity is evident. We are constantly relying on people who created the problem to provide the solution. Please know, my comments are not directed at Karen and Kate (JMA). They do outstanding compliance work! My frustration is with the larger system at play. **Karen and Kate (JMA):** We understand. **Commissioner Alexis:** I see that you have recommendations, but I don't a timeline given. **Pam:** I understand what you're saying and my reasoning is looking at the project schedule. Every time crew is increased is an opportunity to bring on a worker to meet the compliance. I remind subcontractors to retain workers throughout the project and not move them to other projects. **Commissioner Alexis:** Thank you for that explanation.

BEC Commissioners' Follow-up Requests/Concerns - Nothing outstanding.

MONTHLY PAYROLL SCAN

Duration: 12 mins.

Christopher Brown (BRJP Manager): It all starts with the payroll. In order to ensure that we are identifying all instances of late payroll submissions, the BRJP Office started conducting monthly payroll scans in August 2023. These scans will give the Boston Employment Commission a clearer picture of all payroll-related noncompliance, beyond those that come before the BEC for a special presentation or project review. Contractors have up to 7 business days after the week-ending date to submit payrolls in order for them to be considered on-time. There's average of 4,000 payrolls monthly: **May 2024 / Overall Payrolls submitted - 4,448; Late payrolls submitted - 582 (13% of all payrolls); < 5 days late - 317 (54%); 5 to 10 days late - 139 (24%); > 10 days late - 126 (22%) and Latest payroll submitted - 34 Days.** **Commissioner Watson:** Based on this payroll scan, how many projects are late monthly? I ask this question because as a commissioner it doesn't feel right that there were 2 GC's fined for late payrolls (*one, I believe paid*) who came before the BEC and there are others who haven't and are committing the same offense. **Chris:** I don't have that information, at this time, but going forward we will provide that as part of the payroll scan information. **Jodi:** We are using this data to sort out the bad actors/repeat offenders and help improve the sanctioning process and work with General Contractors on ways they can meet the ordinance requirements (*perhaps through contributing to pathway programs*).

DIRECTOR'S REPORT

Duration: 5 mins.

Jodi Sugerman-Brozan (Deputy Chief, Office of Worker Empowerment): As of next month, we will be monitoring compliance with State Prevailing Wage Law. In the past this was done with Davis Bacon Federal projects and now we will monitor all public projects. At the moment Salesforce is not set up to collect certified payroll data and that is being worked on. Until then, General contractors on public projects will need to provide certified payroll and

weekly statements of compliance (*apprentice cards, OSHA 10 cards, etc.*) from their subcontractors and upload to a google drive provided by the monitors, as this is required by the Attorney General's office and Department of Labor Standards. Stacey Watson will take the lead on this compliance monitoring effort. We appreciate her willingness to ensure that construction workers working on publicly funded construction projects are being paid their fair wage. There's a new dashboard, coming soon, on BRJP website that is more user friendly and will allow a search to be made by year, compliance, project and GC/Subcontractors. In the meantime, I've provided the public data link in the chat. Unfortunately, it is not user friendly and is why this new dashboard is being put in place. Like the monthly payroll scan, we are working with the Job's Bank Coordinator, Janine McClaren to create a dashboard that will allow the Commission to see the job requests and job placements made. We look forward to presenting this as soon as August or September. I recently had a FY25 Planning meeting with Chris and the BRJP staff (*including Stacey and Takara as they've merged from BPDA*). I want to thank them and highlight there is no group I've worked with in the City of Boston more mission-focused and committed than this team moving forward to meeting the goals of the BRJP Ordinance.

Commissioner Watson: Thank you Director Sugerman-Brozan. Mrs. Odom, please let the minutes reflect that this meeting adjourned at **2:56pm**.

Meeting adjourned 2:56pm
KO/BEC Coordinator