

# Boston Employment Commission Hearing Minutes

---

A monthly hearing of the Boston Employment Commission (**BEC**) was held virtually on Zoom, March 20, 2024.

**Present: Commissioner/Chair JocCole “JC” Burton, Commissioner Travis Watson, Commissioner Green and Commissioner Alexis. Absent: Commissioner Priscilla Flint, Commissioner Broomstein and Commissioner Howell**

**Hearing Begins: 1:05 PM**

**Commissioner Burton** acknowledged Women’s History Month and the various notable women who contributed to and influenced the equity and inclusion of the construction industry in Massachusetts and beyond (*Lois Lilley Howe, Anne Everest, Edith Clarke, Norma Merrick-Sklarek, Jennifer Pink and Elizabeth Skidmore*).

**Meeting Minutes for February 21, 2024 were held over to be approved in March.**

## I. ANNOUNCEMENTS

**Jodi Sugerman-Brozan (Worker Empowerment): 5 Worker Know Your Rights resource fairs thru June 2024** addressing wage theft (*shared survey for wage theft data*), harassment, health and safety, etc. (link to flyer in the chat), remaining fairs to be held in Chinatown, Alston and Dorchester. Tabling opportunities (see Jodi). **The Center for Working Families is providing Free Tax Service** for households with income \$70,000 or less (link to flyer in the chat). **OSHA 30 training – 4 sessions** starting April 1, 2024 (website will have the detailed information for small contractors). **Commissioner Burton:** Would like to note the importance of amplifying the things that are working in regards to fair wages.

## II. SPECIAL PRESENTATIONS

### A. 100 South Campus Drive

**Duration: 17 mins.**

**Present: Jason Atwood (North Star, Owner’s Rep.), Brooke Woodson (Shawmut Construction), Samantha Glatfelter (Shawmut Construction), Katie Gibbs (Shawmut Construction) and Celso Ribeiro (BRJP Construction Monitor).**

**Jason Atwood (North Star):** The project is affiliate housing for Harvard graduate students and employees. The construction schedule is 12/2023 – 6/2026. **Katie Gibbs (Shawmut): Correction** - This is a 100% union project (*it was on the agenda as open shop*). The project is 98% bought out (2 remaining subs). There is 1 sub on site (Welch Corp) with the most work-hours. The work hours submitted to date are 9,128, 30% Boston residents, 27% People of Color, 7% Women. 2025 will see the bulk of the workforce (200-250). We’re excited about our M/WBE partnership (mostly 2<sup>nd</sup> tier) @\$40M, \$12M to MBEs and \$24M to WBEs. **Brooke Woodson (Shawmut):** As a Boston-based Company, being part of the community is important to Shawmut. Community engagement includes, Building Partner Series, Mass Girls in Trades, YouthBuild Boston, Building Pathways, Building Futures, Ace Mentor Program, City Year and Building Trades training affiliations. **Samantha Glatfelter (Shawmut):** The Job application process has been stream lined (green-friendly). A QR Code allows application notifications to come directly to my email and I in turn share the applications with the job’s bank coordinator. **Commissioner Watson:** I commend the work to date. You referenced two 2-sub tier subcontractors that have partnered with M/WBEs (*Cannistraro and Sullivan and McLaughlin “Sully Mac”*). Although the BEC has no oversight/tracking on M/WBEs, I appreciate these efforts and believe they help with the goals of the BRJP ordinance. What is the construction budget value or the M/WBE percentage goal? **Brooke:** It’s 15% overall, however, aside from the government agency’s required goal, Shawmut has an internal goal and has created a Business accelerator program – the Harvard Construction Academy and M/WBEs that go through the program are guaranteed work with Harvard. **Katie:** To change the bidders mindset, we have made it part of the award process as a mandate and not a nice to have. **Commissioner**

**Watson:** It's amazing how changing the language slightly can change results in a pretty drastic way. **Brooke:** KB-Mac (2<sup>nd</sup> W/MBE sub-tier of Sullivan and McLaughlin ) went through Shawmut's accelerator program and the Harvard Construction Academy. **Commissioner Green:** I echo Commissioner Watson. There's great work being done - access to family sustaining wages, benefits to training, dedication to safety and overall collaborative work with M/WBEs. I believe the numbers will reflect what's put in on the front end. **Commissioner Burton:** What is the Construction/Project Budget Value? **Katie:** \$285M overall with \$278M currently awarded. **Commissioner Burton:** Thank you for this presentation and your efforts in helping build the pipeline which is critically important.

**B. William E. Carter School (7200)**

**Duration: 9 mins.**

**Present: Brian McLaughlin (PFD), Gui de Azevedo (PFD), Patrick Doherty (PFD), Kyle Cataldo (Bond Building Construction, Inc.), Matt Hines (Bond Building Construction, Inc.) and Manuel Barbosa (BRJP Construction Monitor).**

**Matt Hines (Bond Building Construction, Inc.):** Project is located at 396 Northampton St. \$90M Construction Value. The project consists of demolition of the existing school and ground-up construction of a new 3-story building will serve students with disabilities and complex learning needs. The new school will consist of classrooms, sensory garden, rooftop green space, a courtyard and therapeutic pool. The exterior envelope will be comprised of masonry, curtainwall and terracotta paneling. This building will allow the Carter school to expand its enrollment capacity from 25 to 60 students and will allow for early childhood programs. Construction completion date is April of 2025. The project has jobsite postings at both gate entrances displaying a QR code for applicants to scan and complete a questionnaire and submit a job application. Once an application is completed it is entered into our consultant TCMG's website and every contractor is then notified.

**PROJECT REVIEWS**

**A. William E. Carter School**

**Duration: 12 mins.**

**Present: Brian McLaughlin (PFD), Gui de Azevedo (PFD), Patrick Doherty (PFD), Kyle Cataldo (Bond Building Construction, Inc.), Matt Hines (Bond Building Construction, Inc.) and Manuel "Manny" Barbosa (BRJP Construction Monitor).**

**Overall Numerical Compliance: 23,256 workhours, 201 workers, 19 contractors, 14% Boston Residents, 30% People of Color, 3% Women**

**Manuel "Manny" Barbosa (BRJP Construction Monitor):** The project is at 20% completion. The completion date is listed at 4/25; there is plenty of time to create a plan to meet the employment standards. Since submitting this report, the resident verification has changed from (25) 96% verified to (25) 100% successfully verified. The current payroll submission time is 7 days. With the most hours worked on the Project, The Laborers Trade is underperforming (BR 11%, POC 35% and Women 4%). A plan of action has been discussed between myself and Kyle. A corrective action meeting for all the underperforming subcontractors will be held this month where a plan of action will be asked and provided for the BEC Commissioners. **Commissioner Burton:** What is the plan going forward (referenced Atlas)? **Matt Hines (Bond Building Construction, Inc.):** Site work/foundation work didn't meet participation expectations. We sat down with carpenter and laborer BAs for plan of action. We will be remobilizing with a different crew. There will be 20+ subs to ramp up soon. Hillco Drilling hired a person of color/Boston resident who worked before project ramped down and we expect to bring this worker back.

**Commissioner Green:** Action steps seem to be in place for the future expectations. My recommendation is to make sure you are engaging every trade on site whether they have BA representation or not. You mentioned engaging with Madison Park High. There are other schools you could perhaps reach out to as well. Be creative with your outreach. **Matt:** Every pre-mobilization meeting is reinforced with those reminders. Madison happened to be our first opportunity in our vicinity, but we will make efforts to expand that outreach. **Manny:** I will follow-up with plan of actions for the subcontractors to the BEC. **Commissioner Burton:** Is this a blended project? **Matt:** All trades are union. This is Chapter 149A (some open, some not) – File sub-bid 45%.

**Commissioner Burton:** Manny, please make a note that this project is Chapter 149A on future reports.

**B. 2147 Washington Street**

**Duration: 22 mins.**

**Present: Antonio Leite (Mayor's Office of Housing (MOH), Rachael Turner (Kaplan Construction), Katrina Conrad (Conrad Builds LLC) and Celso Ribeiro (BRJP Construction Monitor).**

**Overall Numerical Compliance: 47,293 workhours, 255 workers, 11 contractors, 22% Boston Residents, 77% People of Color, 4% Women**

**Celso Ribeiro (BRJP Construction Monitor):** 67% have been successfully verified. Kaplan Construction is the General Contractor for this project and self-performing. Their participation numbers are 8,059 total workhours, 87% Boston Residents, 100% POC, and 20% Women. Evolution Group has the most hours worked at 15,840 total workhours, 0% Boston Residents, 99% POC, and 2% Women. Corrective action plans have been discussed and moving forward we will closely follow the plans that the subcontractors have put in place to achieve employment standard numbers for the 2<sup>nd</sup> half the project. **Commissioner Burton:** Kaplan is doing what we ask contractors who self-perform to do and that is leading by example (87%BR, 100%POC, 20%W). We applaud that.

**Commissioner Watson:** I second Commissioner Burton's comments regarding Kaplan's self-performance. I'd like clarity on Fortin Drywall (80 workers @ 3%BR, 0%POC, 1%W), Form-Up Foundations (60 workers @ 3%BR, 16%POC, 0%W), and Evolution Group (69 workers @ 0%BR, 99%POC, 2%W). What was or was there a pre-construction conversation on the plan of action and if so, how did the plan change that resulted in these numbers?

**Rachael Montosi (Kaplan Construction):** Form-Up Foundation and Evolution Group have completed their onsite work. Fortin Drywall still has ongoing work. When awarding the trades concerted efforts were made to discuss what the daily work would entail and the workers available from worker pools. We met weekly, spoke at every foreman meeting. We assisted subcontractors with outreach to the jobs bank and we work with Conrad Associates. Corrective Action meetings were had with those 2 trades who have completed their work. We will continue to have Fortin Dry Wall participate in the interview days at Work 2 in Roxbury, bi-monthly. We will continue to work with the community to identify work-ready talent that subcontractors can put into their worker pools. We appreciate the acknowledgement of Kaplan leading by example. We are making efforts to help our subcontractors meet those goals as well. **Commissioner Watson:** Thank you for that context. I have spoken with Nathan Peck (Kaplan). Not regarding this particular project, but about the industry in general. I got the sense that he really cares about BRJP and creating opportunities. It's frustrating to see low numbers (*zeros*) and when there's a large number of workers, it's all the more frustrating. **Commissioner Green:** What trades is Union? **Rachael:** Only Elevator. **Commissioner Green:** So it's basically open shop. Low numbers (residents and women) like zeros have a look of no effort. Since there's only 1 union trade, there would only be outreach to 1 Business Agent. There has to be outreach to the ownership of the subcontractors. You mentioned flyering. There should be more job fairs. What is the engagement for the unskilled (Trainings). When I got into the trades I had a willingness to learn and work (show up on time). **Rachael:** Kaplan and subcontractors recently participated in 2 job fairs and engaged with willing participants (had on the spot interviews and shared that information). **Commissioner Green:** Thank you for that response. **Commissioner Burton:** Commissioner Green, we usually see better participation on open shop (*referenced wage scale impacting this project*). Why were these subcontractors chosen? **Rachael:** Evolution Group is a MBE and we thought it would be a good opportunity. Form-Up Foundation is Non-union and we had to go with a non-union subcontractor at the time. New England plumbing and Fortin Dry Wall are still on site and we are looking forward to increasing the numbers starting today. **Commissioner Burton:** Thank you for the presentation and the transparency.

**C. Landmark Phase 3**

**Duration: 17 mins.**

**Overall Numerical Compliance: 138,093 workhours, 606 workers, 20 contractors, 18%BR, 32%POC, 9%W**

**Present: Kevin Luczkow (Samuels RE), Frank Craemer (Suffolk Construction), Sokol Kodrasi (Suffolk Construction), Shelley Webster (InOrder Business Solutions), Taylah Webster (InOrder Business Solutions) and Patricia Maraglioglio (BRJP Construction Monitor).**

**Patricia Maragioglio (BRJP Construction Monitor):** 2 of 5 Major Trades, Laborers and Iron workers are both meeting and exceeding POC goals along with the subcontractors, G&C Concrete and JF Stearns. Laborers and Pile drivers are both exceeding Women goals and the following subcontractors, Treviicos Corp. and Liberty Construction. Concerns for Landmark Phase 3 are reaching BRJP goals in regards to Boston Residents or the lack of available residents that are in the union. The overall project is reporting within 7 days of the period ending date. This project is monitored by a diversity consultant that is also an MWBE. In Order Business shares the same goals as the BRJP office to ensure diversity goals are met. **Commissioner Watson:** Patricia I appreciate how you eloquently laid out the inherent challenges of the unions, especially as it relates to Boston residents. I'd like to acknowledge Frank Craemer (Suffolk). I met Frank in 2006/2007 in relation to the KROC Center project. Frank was very instrumental in helping my professional career as it relates to the community planning process (*construction budgets and procurement process*). Thank you Frank for how you have approached this work throughout the years. Frank Cramer (Suffolk Construction): Thank you for those kind words Travis. It works both ways. That was a great project (KROC Center). This is a great project. We still have a long way to go on this project. The women carpenter participation at 0% doesn't look good and will improve as we get into the finish trades. Commissioner Green: There's always room for improvement. My recommendation is when reaching out to the unions or anyone for that matter, be consistent in a weekly approach (*consider lay-offs and workers on the bench*). Extra effort is what's needed. **Commissioner Burton:** Thank you for the presentation. We look forward to seeing its progress (*7-day Payroll compliance improvement*). Director Sugerman-Brozan put a link to BRJP's GC performance history in the chat. This can help with research when making decisions to award subcontractors.

### **BEC Commissioners' Follow-up Requests/Concerns**

Letter from the Bricklayers regarding the follow-up request by the Commission Watson during the February 21, 2024 BEC was received and sent to all Commissioners.

**PAYROLL SCAN - 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. **Jodi Sugerman-Brozan:** This information is for the last 6 months (August – January) 2,050 late payrolls, 10,630 days, 17% @ 10 days or more late. The research is based on a look at Project, General Contractor and Subcontractor. Because Salesforce doesn't always connect with what the monitors are seeing on the ground, we are asking the monitors to verify this information before we present any names (*repeat offenders*). We'll share more after the monitors have had a chance to verify. **Commissioner Watson:** Thank you for the work it takes to gather this information. This data helps inform to see trends in trades and helps us to make informed decisions.

### **DIRECTOR'S REPORT**

**Duration: 7 mins.**

**Jodi Sugerman-Brozan (Worker Empowerment):** The Bi-Annual City Councilor's Hearing will be coming up in April. We will let you know when we have that information. Thank you to all the Commissioners for attending the orientation retreat last week to help onboard our new Commissioners. We are also, looking to organize a quarterly webinar with the monitors to share best practices with GC's and Subcontractors. BPDA Monitors, Takara Hamilton and Stacey Watson will be merging with the BRJP staff and will be moving to the 1010 Mass Ave offices as of July 1, 2024.

**Commissioner Burton:** Thank you for the concise/detailed presentations. The reports were less marketing and more facts. We would like to recommend that this be the example going forward. **Director Brozan,** will the city council be looking to hear from the contracting community this year? Last year they heard from trade schools, training programs and the Commission. **Jodi:** I will check with IGR. There's a new City Council Chair, Ben Weber. I will get back on that. **Commissioner Watson:** I will be giving a presentation on the history of the BRJP/BEC for Mass Housing and the MLK Institute and would like to extend to anyone interested. **Jodi:** Commissioner Watson can you share the additional details that I can post on that? **Commissioner Watson:** Will do.

**Commissioner Burton thanked everyone for their participation and adjourned the meeting.**

**Meeting adjourned 2:38pm**

**KO/BEC Coordinator**