

Boston Employment Commission Hearing Minutes

A monthly hearing of the Boston Employment Commission (**BEC**) was held virtually on Zoom, January 15, 2025.

Present: Commissioner Travis Watson, Commissioner Donald Alexis and Commissioner Darrin Howell.

Hearing Began: 1:05 PM

Commissioner Watson: Filling in until Chair Burton arrives.

December 18, 2024, Minutes were held over for approval in February, due to lack of quorum.

ANNOUNCEMENTS

Duration: 5 minutes

Jodi Sugerman-Brozan (Deputy Chief, Office of Worker Empowerment):

As part of the Workers' Rights Initiative, webinars and clinics are being held. On Monday 80 Uber and Lyft Drivers attended a clinic. This was regarding recent settlement achieved by the Attorney General's office and Union organizing; Clinic series for Worker's Rights (MCAD, AGO, Worker Centers). One was held in Dorchester recently and another will be held 2/25 in Alston at the Brazilian Workers Center; Free Osha 10 training (partnership w/BRJP/Boston Jobs Bank); Free Osha 30 training in regard to the construction Safety Ordinance. All this information will be accessible on the BRJP website.

Commissioner Watson: Is the OSHA 10 training for Boston residents only? **Jodi:** Yes. **Commissioner Watson:** Thank you for this information. FYI, the State recently updated their qualified allocation plan for Developers' looking to finance project and an addendum was made to the Responsible Contractor Labor language. I will do my part in my capacity with MHIC to share this information with the HLC financial projects. **Jodi:** Anything I can do to help (resource related), please reach out.

JOB'S BANK ANNUAL REPORT

Duration: 38 minutes

Janine McLaren, BRJP Job's Bank Coordinator presented a powerpoint sharing the purpose of the Jobs Bank based on the BRJP Ordinance and the challenges she's encountered getting responses to her email communications from job seekers and construction employers. Janine has a list of over 500 candidates. Her outreach to subcontractors is limited to Non-union/Open Shop and she makes efforts to direct people accordingly. Her outreach process entails: Job and career fairs (12+ annually; job seekers join via QR code and distribution of the BRJP Jobs Bank Brochure.); Boston Resident Jobs Policy website (*Resources for Job Seekers* section); Monthly Jobs Bank Roundtable Meeting w/ community partners; OSHA 10 trainings (9 free OSHA 10 trainings in FY25: 5 English, 2 Spanish, 1 Brazilian Portuguese and 1 in Haitian Creole); Email List comprised of approximately 500 contractors, community partners, unions, training programs, Boston Public Library, Boston Public Schools, Boston Public Health Commission, Adult Education programs, trade school training programs, YouthBuild Boston, Building Pathways, Home Builders Institute, FC Tech, etc.; Word of mouth through other Jobs Bank candidates; Pre-construction meetings - Jobs Bank Coordinator attends pre-construction meetings for nonunion and open shop projects. 57 Candidates were referred to 15 contractors in 2020-2021.

The numbers dropped off significantly after 2021 due to COVID, but increased in 2024 (17 requests in 2022, 17 requests in 2023, 34 requests in 2024). Most common requests: 31% Laborers, 13% Carpenters, 13% Bricklayers, 11% Electricians. Despite our best efforts to get information from contractors, we do not know how many of those

Referred were hired. The Ordinance requires that contractors maintain a record of job seekers who contacted the contractor directly and BRJP Jobs Bank referred job seekers including whether they were hired, and the reason for denial if they were not hired, which must be shared with the Construction Monitor monthly. **Commissioner Watson:** Outstanding presentation, Janine, you mentioned 34 requests in 2024. There were a number of non-union projects in 2024 not meeting the BRJP requirements. In your opinion what's the disconnect between contractors actively seeking candidates through the jobs bank?

Janine: In my opinion that's a two-fold answer. Pre and Post COVID. COVID has completely changed the labor market. Much of the workforce is seeking remote type work (at least part-time) and construction is not a job you can do remotely. In addition, there's no response to my emails requesting feedback on whether a candidate was hired or not (*it's like being ghosted*) and there are no repercussions for lack of compliance with the ordinance.

Public:

Pamela King (Community Advocate): Is the jobs bank specifically for construction? **Janine:** Yes and I make information available to those on the mailing for other resources. **Pamela King:** Beautiful! As it relates to compliance, do projects start without projected workforce needs? **Janine:** The construction monitors would have to address that question. **Christopher Brown (BRJP Manager):** We monitor from the start of the project with Developers and GCs through kick-off meetings (*details of project are reviewed*) and throughout with pre-construction and compliance meetings/corrective action meeting (*referenced payroll submissions*). As it relates to new projects, we set them up on our Salesforce system.

Pamela King: No project starts without these meetings. **Chris:** I cannot make that statement (100%). We do our best to make sure meetings are happening before a project begins and I'm not aware of any that haven't. **Pamela King:** According to this presentation, I'm hearing no compliance and an appearance of nothing to fight with. The jobs bank coordinator has expressed being ghosted and that should be serious enough for a corrective action meeting. A warning is not in the ordinance (*reference November's BEC*) and a warning doesn't appear to be working (*ref. \$300 a day fine*). **Jodi:** Thank you, Ms. King, for your comments. The November presentation was regarding late payrolls. We are working on setting up a similar process for the jobs bank. There's a lot of moving parts as it relates to the GC's responsibility with the subcontractors and issues with salesforce. Janine has been keeping track of the data and this is the first step in her presenting today. **Pamela King:** This has been going on since 2017 (*referenced the sanction that was given in April 2023*). The ordinance has already given guidance. Something is not right, and we can't be sweet to the developers at the expense of the people. It's unlawful! I believe and law and order and don't mean to be blunt, but this non-compliance is causing people to lose out on lucrative jobs (*referenced a city councilor who went to a construction job site and couldn't find 5 Boston residents to sign their petition*). **Commissioner Watson:** Ms. King you raised great points. I did not take your delivery as blunt, and I appreciate your passion for creating opportunities. Your feedback will help the administration; the BRJP office and the Boston Employment Commission strengthen the policy (*referenced further connecting to build on her advocacy*). **Pamela King:** Thank you. I would love to help. I make efforts to stay informed through the investigative work of GBH and I see that the law can work if we follow the law. **T. Michael Thomas (Peoples Academy):** The People's Academy was started because of the systemic racism and to train and increase the numbers as it relates to Boston residents, people of color and women. I would love an opportunity to have people come to the People's Academy for a sit-down meeting and presentation on solutions that would address the very conversation going on today. I have experience and understand how the unions work (*shared his resume of experience*). **Commissioner Watson:** The invitation is open to others, I'm in and I believe you undersold your expertise. You are a world-renowned Coppersmith (*T. Michael replied, "the only one*

of color”). We can have Kim help coordinate a meeting (*Jodi also put her email contact in the chat for Mr. Thompson to reach out to her*). The meeting has gone a little longer than expected, but it was substance of value to be heard.

SPECIAL PRESENTATIONS

2 H Street

Duration: 8 minutes

Present: Peter Zagorianakos (Wadleigh & Associates, Inc/Triad Alpha Partners, LLC), Takara Hamilton (BRJP Construction Monitor)

Peter Zagorianakos (Wadleigh & Associates, Inc/Triad Alpha Partners, LLC): The Project includes the new construction of a three-story mixed-use building of approximately 133,626 gross square feet, with 127 units of rental housing and approximately 3,000 gross square feet of ground floor retail space, above 152 garaged parking spaces and related improvements at the Site (*2 renderings were presented*). 16 residential units (13% of its total) as on-site IDP units, for workforce and mid-market earners; Passive House Certifiable; Bldg approaching Net Carbon Zero; \$250K in public realm improvements.

Construction Schedule: The development was delayed due to being initially permitted under the old ordinance and to offer affordable housing it had to be repermited. Construction began in 2024, and estimated completion is March 2026. **Construction Buyout (Awarded Subcontractors)** Post tension slab – Constructive Services, Inc.; Framing & windows- NEBS; Excavation, Bldg wrap, insulation, metal siding, roofing – Wadleigh & Associates; Elevator – Keystone Elevator; Plumbing – Wellington Plumbing (*MBE*); Fire Supression – A&E Fire Protection. Rebar supplier was not listed but is a WBE. **Wadleigh &**

Associates - Self Performs Various Trades - Employ our own trades people; 100% minority field personnel; Self perform various trades during Project; Hire direct. **Workforce Diversity/Community Partners** - In the process of engaging: Franklin Cummings Tech, Madison Vocational Tech School, Mass Hire, Youth Build Boston and Center for Women’s Enterprises. **Job Application Process** - Hiring sign on front Entrance along H St.; To call directly to Asst. Project Mgr.; Onsite interview process; Timely Hiring decision. **Project Team - Proponent: H Street Associates, LLC** - Peter Zagorianakos, Manager; GC:

Wadleigh & Associates, Inc - Peter Zagorianakos, Manager; **Legal Counsel: MQMH LLP** - Joseph P. Hanley, Esq. – Partner; **Architecture: R&B Design** - Ronald Bennett – AIA & **Crosstown Foundation for the Arts, Inc.** - Sandro A. Carella, AIA, LEED, phius; **Civil Engineer: Columbia Design Group** - Peter

Gammie – PE; Struct Engineer: **ASME** – Ivanna Alvanzar – PE; MEP: **Zade Engineering** – Mohammed Zade – PE; Geotechnical: **Geotechnical Services, Inc** – Dan Kennealy – PE. **Commissioner Watson:** Appreciate the succinctness of your presentation. Takara what has your conversation been and are there any challenges anticipated? **Takara (BRJP Construction Monitor):** Being this is Peter’s first time since the old ordinance, he’s adapted well and is new to the Salesforce system. There are barely 1,000 workhours to date (Wadleigh & Associates is the only contractor on site), and we’ve discussed best faith efforts as it relates to resource options (request for workers) vs. partnerships (Building Pathways, YouthBuild Boston or Madison Vocational, etc.). He’s easy to work with and is receptive to my advice. **Commissioner**

Watson: From a Commission standpoint, this is good to hear. **Commissioner Howell:** Agree with Commissioner Watson, appreciate your straightforward approach and thinking outside the box as it relates to compliance.

55 India Street

Duration: 16 minutes

Present: Shaun Leonard (Rise Construction), Jim Tamburello (Rise Construction), James Grossman (Rise Construction), Tim Galvin (Rise Construction), Joshua Sydney (Sydney Project Management (Owner’s Rep), Curtis Kemeny (Owner) and Nelson Cunha (BRJP Construction Monitor)

Shaun Leonard (Rise Construction): The project site is located at 55 India Street in Downtown Boston (3 renderings were shown). The existing parcel of land consists of a 7,100 SF surface parking lot and will be developed into a 12-story residential building. The 67,000 sqft building will consist of 4,000 sqft of commercial space on the ground floor and 29 condo units throughout the remaining floors. The site is bound by India Street to the north, Franklin Street to the west, Well Street to the south and Surface Road and the Rose Fitzgerald Kennedy Greenway to the east. The building features premium materials and enhances the block with upgrades to sidewalks, curbs, and decorative pavement. The project massing aligns with the surrounding historic street walls and incorporates durable materials such as a granite base, cast stone belt coursing, and brick masonry to ensure consistency with the scale and character of the area. **Project Team - Developer:** Boston Residential Group, **Owner's Representative:** Sydney Project Management **Construction Manager:** RISE Construction Management. **Construction Schedule:** Total Construction Activities: 11/12/24 – 08/25/26 (466 Days); Site Work: 11/22/24 – 06/23/25 (152 days); Structure: 02/14/25 – 11/04/25 (188 days); Façade: 08/08/25 – 03/19/26 (160 days); Interiors: 10/15/25 – 07/28/26 (205 days); Equipment & Commissioning: 04/13/26 – 08/25/26 (97 days); Elevators: 04/13/26 – 07/31/26 (80 days). **Construction Buyout (Awarded Subcontractors):** Canatal Industries – Structural Steel (Structures Derek – Installer); DHC Services Corp – Waterproofing & Masonry; G&C Concrete – Concrete; J. Derenzo Company - Sitework (Keller North America – Pile Installer); KONE Corporation – Elevators; Scorpions Contracting, Inc. – Electrical, Fire Protection, HVAC, Plumbing, Drywall, Rough Framing, Tape & Paint; Sunrise Erectors, Inc. – Façade, Glass & Glazing; Superior Rail & Iron Works Inc. – Misc. Metals. **Workforce Diversity Efforts/Community Partners:** Building Pathways, Inc. **List of M/WBE Contractors:** Scorpions Contracting, Inc. – M/WBE (Awarded 36% of Total Contract Value); DHC Services Corp. – WBE (Awarded 3% of Total Contract Value). **Job Application Process:** QR Code Posted on Jobsite Board. **Commissioner Watson:** Thank you, Shaun. Nelson, have you had conversations and is there any concern or comments you'd like to share? **Nelson Cunha (BRJP Construction Monitor):** The project started 2 months ago and so far, it's going smoothly. There are 2 contractors on site, Derenzo and recently, Keller. Communication with Shaun and Tim has gone well. They understand the expectations and has agreed to communicate any issues. I have great expectations for this project. **Commissioner Watson:** In an earlier conversation while waiting to start the meeting, I was talking about a development by my workplace, and it turns out to be this development! It's amazing to watch and being a heavy pedestrian area, I'm in awe of the safety precautions put in place. **Shaun:** It's a team effort with the city, BTG, ownership and subcontractors. Good to hear your feedback. **Commissioner Howell:** What are the challenges you see with timeline? Generally speaking (referenced Ms. King's comments), as a city we need to be more creative, and data driven. With regards to this project, the unions are limited with workforce availability. Boston residents might be spread out across other projects. There are more spots than there is to fill the spots. It's a collective challenge, not just city, public or private. Old barriers must be done away with. **Commissioner Howell:** Thank you for your response. Based on your presentation, I was curious to understand the challenges you laid out. **Shaun:** Lastly, it's hard to live in the city of Boston even if you're making \$120k a year. **Commissioner Howell:** Understand that. **Commissioner Watson:** Shaun, what is Scorpion Contracting's background, I've never heard of them? Shaun, they are a new sub and in our onboarding process. **Jim Grossman (Rise Construction):** Commissioner Watson, Scorpion has had an evolution from a non-union contractor to now a part of the union. They have been building their workforce and this is their 1st union job. **Commissioner Watson:** That's good to hear. I understand that some companies have a challenge with that type of transition as it relates to cashflow. Are they getting help? **Jim:** It's built into our contract (mentioned the owner, Curtis Kemeny) is on the call). **Commissioner Watson:** That's a cool best practice and I'd like to unpack that with you at another time. **Curtis Kemeny:** Happy to be working with Jim and his team and to support Scorpion as they grow. As the owner, I'm pleased with how things are going. We're doing our best and we appreciate this commission. **Commissioner Watson:** Thank you. Nice to meet you virtually and appreciate the wholistic approach you are taking as an owner.

PROJECT REVIEWS

Simmon's University

Duration: 23 minutes

Present: John Kibiloski (Skanska), Marissa Mezoff (Skanska), Ally Riley (Skanska), Denise Ardolino (Skanska), Carolyn Desmond (Skanska) and Takara Hamilton (BRJP Construction Monitor)

Overall Numerical Compliance: 51,922 workhours, 336 workers, 20 contractors, 19% Boston Residents, 25% People of Color, 6% Women

Takara Hamilton (BRJP Construction Monitor): This project is having its first review. It's a 3-year project at 25% completion. The BPDA and Skanska have had 4 pre-construction meetings to onboard all 20 contractors. 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 were encouraged to participate in "Hiring Logs" as BFE, which detail all potential applicants, their current location in the hiring process, and whether they were hired and why. All Contractors have submitted the necessary paperwork under the BRJP (QWPF and Questionnaires); All 20 Active Contractors comply with timesheet submissions; Contractors have done well with Women participation individually; Resident Verification is at 80%; Average weekly submission rate: 2-5 days after the due date (Within the grace period).

Apprentice Breakdown: 2,853 wkhrs, 18 wrks, 9 contractors, 39% BR, 40% POC, 20% Women. This project is union; contractors are aware that if they receive walk-on applicants who are non-union, they should refer them to the Boston Jobs Bank.

Public:

Pamela King: Interested in what Derenzo said that you didn't want to say (**re: advocating for diversity in the unions**). **Takara:** Just to clarify, it wasn't that I didn't want to say anything, it was that it was lengthy, and I needed to condense the report, but the Commissioners have received all the attachments, and this information can be shared with you (Kim can send it). **Pamela King:** that would be good. **Pamela King:** I also heard through the GBH investigative reporting that the BEC has challenges getting information from the unions on the demographics of its workforce. Is this true? **Commissioner Watson:** You are referring to Paul Singer (GBH). That is factual. We were told that they do not collect demographic information, however, I have been told off the record they do collect the demographics of their workers. **Pamela King:** you mentioned the lengthy letter was written by a lawyer, can the BEC get a legal opinion regarding this challenge? **Commissioner Watson:** I'm not a lawyer and holding the unions accountable without a baseline for the demographics is extremely challenging. I'm a big proponent of transparency and government transparency and while the unions are not a government agency, they are organized labor, half the city's contract spending is with organized labor (*referenced the city's disparities study in 2019*). Takara concluded by emphasizing that while progress seems slow, there are signs that the ordinance is working (*referenced growth in apprentices and women*).

Roxbury Prep

Duration: 18 minutes

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 Martin), Dakota Jones (InOrder Business Development Solutions), Taylah Webster (InOrder Business Development Solutions) and Takara Hamilton (BRJP Construction Monitor)

Overall Numerical Compliance: 89,670 workhours, 547 workers, 23 contractors, 25% Boston Residents, 40% People of Color, 7% Women

Takara Hamilton (BRJP Construction Monitor): This project came before the BEC a year ago and is now at 65% complete (*referenced this as one of her favorite projects*). The BPDA and InOrder Business have had 17 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); 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 were encouraged to 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 23 Active Contractors comply with the weekly certified payrolls; The resident percentage is up 3%; All Contractors have submitted the necessary paperwork under the BRJP(QWPF and Questionnaires); Resident Verification is at 92%; Weekly Submission rate: 3-6 (within 7 day grace period). **Apprentice Breakdown: 10,769 wkhrs, 53 wrks, 16 contractors, 51% BR, 67% POC, 24% Women.** **Commissioner Watson:** Thank you, Takara, for always a detailed presentation. I wanted to reference Wayne Griffin Electric (45% BR, 40% POC), and the full circle change he has made over the years. We challenged him some years ago at a BEC hearing because the numbers were quite poor, and he immediately sent a follow-up correspondence to the BEC via overnight FedEx on his commitment and plan of action to improve. **Takara:** Wayne Griffin and Liberty as well (35% BR, 31% POC). Some contractors really do hear the feedback and act. **Pamela King:** I’m happy to hear about the progress with these 2 companies. It’s not black or white, it’s wrong or right. **Commissioner Watson:** Takara, I appreciate you acknowledging other’s that have improved. I also think it’s a testament to the efforts of the BRJP staff/monitors overtime to address concerns. The presentation Janine gave was a great example and the 2 reviews you presented Takara that highlighted incremental successes. Will this project come back? **Takara:** I’d like to thank Taylah (InOrder) for her hard work on this project and Antonio (Suffolk). We have a good working relationship. I agree Roxbury Prep would be great to bring back, even though we don’t do close outs anymore. **Commissioner Watson:** I would like to see this come back for a closure assessment because it’s a project that can be presented as an example and inspiration (*referenced the apprentices breakdown highlighted*). **Taylah Webster (InOrder Business):** Thank you Takara, it’s been a long journey with this project, the Suffolk team has been great. **Commissioner Watson,** nice getting to speak with you. **Commissioner Watson:** Antonio is Eileen Martin involved in this? **Antonio Antenor (Suffolk Construction):** Eileen is with Trade Partners and Diversity. **Taylah:** Eileen checks in with InOrder frequently on the diversity side. Thank you and we look forward to this project coming back.

BEC Commissioners’ Follow-up Requests/Concerns – Nothing Outstanding

Sanction Recommendation – Nothing Outstanding

DIRECTOR’S REPORT

Jodi Sugerman Brozan (Deputy Chief, Worker Empowerment):

BRJP is currently Monitoring 148 Projects (slide gives detailed breakdown). **Compliance Improvement Strategies Update - Uniform, transparent sanctions process:** BRJP Manager Chris Brown working with our IT/Salesforce support to implement the warning system within Salesforce and hope to have it by the end of February. Our IT support is also working on a notification process for General Contractors to acknowledge/approve late payrolls when they are submitted by a subcontractor. **Union and Nonunion**

Work Hours: We are going through a process to ensure that we can provide BRJP data on union and nonunion work hours. We started off with approximately 1,100 contractors that we needed to provide union/nonunion status. We are now down to about 400 subcontractors. We anticipate having to reach out systematically to the remaining contractors and feel that we will have enough contractor's status to start reporting data by the February BEC meeting. We are creating a data-informed way to be more equitable across the 148 projects and not just the ones that come before the BEC each month.

Upcoming Presentations (Special Guests Speakers): February 19: City of Boston Anti-Displacement Initiative, Joy Armstrong, Policy Advisory, Boston Planning Advisory Council; **March 19:** Union Diversity Initiatives/Engagement with BRJP and Greater Boston Labor Council; **April 16:** Annual BRJP Compliance Impact Analysis BPDA Research Division. We are working on May – Dec. Janine kicked off this month's and we thank her for her excellent presentation.

Motion to adjourn - Commissioner Howell, 2nd Commissioner Watson.

Meeting adjourned 3:05 pm

KO/Executive Coordinator