

Boston Employment Commission Hearing Minutes

A monthly hearing of the Boston Employment Commission (**BEC**) was held virtually on Zoom, August 19, 2020.

Commissioners

Present: Commissioner Travis Watson, Commissioner Charles Cofield and Kenell Broomstein

Hearing Begins: 1:05 PM

Commissioner Watson called Hearing to order.

I. MINUTES

The February 19, 2020 and June 17, 2020 minutes were **not approved** due to lack of Quorum.

II. SPECIAL PRESENTATION

A. South Station Air Rights

Duration 14 mins.

Present: Rob Rogers (Suffolk Construction), Emily Earll (Suffolk Construction), Greg Spivey (Hines), Shelley Webster (InOrder Business), Brooke Woodson (Suffolk Construction), Manuel Barbosa (BRJP Construction Monitor)

Project Overview: Suffolk team Shared PowerPoint Presentation

Commissioner Watson: I was confident when I learned that Shelley Webster and Brooke Woodson was working with this project. They understand equity and inclusion in the construction industry. Continue to keep lines of communications open. **Rob Rogers:** With current COVID condition some of the start dates have been an issue. **Commissioner Cofield:** With this being such a large project, what is the focus for MBE/WBE's? In regards to various projects, the issue with minority contractors in the city gets swept under the rug a lot and we don't have a lot of programs like an incubator program for training. **Rob Rogers (Suffolk):** Suffolk runs the Trade Partnership Series (TPS) for companies that want to get involved and are having challenges. **Emily Earll (Suffolk):** The TPS is headed by Brooke, but you are peered up with a mentor. **Commissioner Cofield:** Everyone needs to know what the program is. We want everyone to focus on this whether teamed up or not - not just the minority team and diversity team but the entire team. The feedback I receive from groups around the city that union subcontractors are not meeting the goals. This is not stepping on anyone toes - it's policing our jobs with our signatory partners. **Rob Rogers (Suffolk):** We address this weekly at subcontractor meetings. Shelley is right on top if there are any concerns of someone falling behind.

Public: Priscilla Flint-Banks (Black Economic Justice Institute): Is this project under New or Old Ordinance? **Manuel Barbosa:** Old Ordinance. **Shelley Webster (InOrder Business Solutions):** If MBEs and WBEs are pre-qualified with Suffolk they are invited to bid. The Trade Partnership Series monitors, teaches and works with the compliance teams to introduce them to project teams. Also works with MEP, MBE/WBE, Emerald City to introduce them to MEP trade and DCAMM. **Commissioner Watson:** Thank you. We look forward to your first review.

B. 47 – 55 LaGrange Street

Duration 17 mins

Present: Eric Chiasson (AECOM), Ken Felton (AECOM), Jill Poschmann (KPD Advisors), Stacey Watson (BPDA Senior Compliance Officer)

Project Overview: Shared PowerPoint Presentation

Commissioner Watson: Stacey what has the conversation been with the GC team? **Stacey Watson (BPDA):** Construction started August 2019 – J Derenzo/Hub Foundations only two on site at that time, COVID hit project shut down. New Contractors just started on site and started to report on Sales force, numbers are real low because of COVID. Eric is doing a great job in getting on Salesforce. **Commissioner Watson:** Not particularly for this project, but in light of other reviews, I've seen reasons and excuses for not meeting hiring goals. Let's not use COVID for not meeting the goals. **Example:** 1 project 90% core crew of project was furloughed, and they are working to bring back people slowly. Core crew was 10 and they had 4 start back, and others were uncomfortable coming back on because of compromised immune systems. I understand this situation, however, patterns are an excuse and not a reason. As you go through this project, please document the complete story. I will be asking Kate Blessington (JMA) for her template on how to properly document compliance efforts on a project. She's written a Bible of sorts on how to get it done. I'll circle back with Kate offline and share with other contractors. **Stacey Watson:** This project is starting to gear up and as soon as report comes in, I can judge appropriately. It's not that their making excuses, it's just there is no work yet. I just recently had a pre-construction meeting for 3 more contractors. As soon as they start reporting, I'll be better able to judge the categories appropriately. **Eric Chiasson (AECOM):** I heard Charles talk about WBEs. We have a couple coming on to the project. General Air Condition and Heating and Reflection Window Company. **Commissioner Cofield:** Eric got the gist of what I expressed on WBEs and MBEs. All I ask is that before all this work is completed in the Commonwealth, we develop a joint venture/mentor program. The issue is usually capital. We would have a better success rate if developers knew that the smaller companies had backing by the larger companies. The biggest problem for minority companies is sustainability. **Commissioner Watson:** To add to what Commissioner Cofield is saying, if we can develop a way of understanding each individual GC's pre-qualification outside of a specific project so that M/WBEs community can better position themselves and allow for more participation. **Ken Felton (AECOM):** I am the Project Executive. I was also responsible for One Congress project. I believe you folks considered it to be an exemplary effort of meeting with the schools like Madison and mentoring students and introducing them to the trade unions. We placed a young man with Local 103. You have my commitment to work with Eric on this and taking what we learned from that project and applying it here. **Commissioner Cofield:** Was Desmond Roche carpenter steward on that job? We did have some struggles with some of the contractors about meeting numbers. I would appreciate talking more about holding feet to the fire and not waiting until there's one or two weeks left and then try to get numbers. **Ken Felton:** I'm surprised to hear this. Desmond has been an asset. **Commissioner Cofield:** He's contacted me on a number of occasions. **Ken Felton:** Desmond has access to me, but we can have a conversation.

Public: Priscilla Banks (BEJI): Don't let COVID be an excuse. Are monitors going to sites? **Christopher Brown (BRJP Manager):** As of now because of the State issue mandate regarding social distancing at 6 ft apart, currently we are not actively going onto construction sites for safety reasons, but have been performing all other duties, like pre-construction meeting and corrective action meetings. We do have a plan to resume going to the sites. **Commissioner Watson:** Thank you. We look forward to your review.

C. City Hall Plaza

Duration 13 mins

Present: Jacob Blake (Shawmut Construction), Samantha Glatfelter (Shawmut Construction), Brian Melia (Public Facilities), Pamela Ruffo (BRJP Monitor).

Project Overview: Shared PowerPoint Presentation

Commissioner Watson: This is where we hold our hearings and this project needs to be an example. I understand the challenges with COVID climate, however, let that not be an excuse. The team at BRJP is here to help. Open lines of communication is vital to the success. Not letting concerns go unaddressed until it's too late in the process. **Jacob Blake:** The Senior Project Manager, Bob Joubert was going to present, but doesn't seem to be on the call. Our team is 100% committed as you said being in the backyard of the Mayor. Every sub is aware prior to the award of the attention on this project. Construction of new civic pavilion space (shows renderings). **Commissioner Watson:** I view these projects as partnerships. If you run into an issue with a contractor, please reach out to BRJP staff. If necessary any challenging concerns can be brought to the attention of Chief of Economic Development. **Jacob Blake:** We look for a partner and will be in touch and communicating often. A couple of trades to be awarded, some file-sub trades (waterproofing and roofing). **Commissioner Watson:** My experience

with file subcontractors has been contractors that have no desire to hire residents, people of color or females. In next couple of weeks, please flag file sub contractors. I'd like to track project as a whole and contractors that you hire and those who you had no control over. Pam, I want to make sure that the team is graded on the work they have control over. **Pamela Ruffo (BRJP Monitor):** The project stat report will list all contractors and we can say which came in as file sub bid. We are expressing the importance of what this project means to the City. The project is starting out well. 33%BR, 55%POC, 13%F. We will not let our guard down. **Commissioner Cofield:** I concur, we need to focus on file sub bid contractors and do a history on them. There's no control over which ones get picked and that's a problem. A lot have no history on meeting Boston hiring goals in the city or the commonwealth unless they are forced to do it. **Commissioner Watson:** Renderings are amazing. Looking forward to your review.

III. PROJECT REVIEWS

A. Beth Israel Deaconess Medical Center

Duration: 55 mins.

Present: Amy Sowersby (Turner Construction), Amanda DiLando (Turner Construction), Liz Harvey (Turner Construction), David Flanagan (BIDMC), Emily Ryzak (BIDMC), Pamela Ruffo (BRJP Monitor)

Project Overview:

David Flanagan (BIDMC Director of Facilities): This is our first building in 30 years at BIDMC. It is intended to accommodate our increasingly complex and high acuity patients around the city and state. We're adding 128 private med surg rooms and 30 ICU level room and augmenting surgical capabilities as the core mission of the project. Having capacity in the city to treat not only COVID but other complex health care concerns increasing today. **Commissioner Watson:** You really drove home that our medical facilities are so important, and so much the more during these times. **Pamela Ruffo (BRJP Monitor):** Turner has prepared a Best Faith Effort, the PDF presentation will be put on the screen. **Amy Sowersby (Turner Construction):** From a schedule perspective, we are 2 years in as of June of last year. Slow start. June 2019 to April 2020 Derenzo/Hub Foundation (Slurry Wall), S&F Concrete, April to present (Foundations) 3 weeks until the come back, JF Sterns/Bowes Atlas (Steel Erection) started this past Monday. One trade partner at a time MEP sprinkled in. Procurement Dept recently added a dedicated person to handle UBE and DBEs a key component in the selection process, hospital experience and cost. Board gets updated weekly to see the progress of the categories. **Pam:** Amy you gave great information. There was a disconnect in our awareness of being the monitoring agency for the project and as a result, our monitoring didn't start until February 2020. There are 13 contractors onsite, 62,550 20%BR, 24%POC, 7%F. Equipment operators is a hard trade to get diversity out of. You don't see a lot of females as Pile drivers, so it's great to see they have one a BIDMC job site. **Amy:** Slurry wall is complete (Hub Foundation). Derenzo will come back and do cross lot bracing. **Pam:** They were onsite and accumulated quite a bit of hours before we found out we were monitoring. Turner always drives the bus. **Commissioner Watson:** Were the subs aware that they needed to hire in the categories under the standard hiring goals. **Amy:** Whether we're being monitored or not, we always make sure they follow the same goals as with BRJP. **Commissioner Watson:** Did all the subcontractors know they needed their workforce to be in compliance with BRJP. **Amy:** No, not for BRJP monitoring. **Commissioner Watson:** Why? I'm particularly addressing Hub because their numbers are awful. **Amanda DiLando (Turner Construction):** Maybe some there was some enabling before we were officially reporting. **Amy:** For Hub our numbers did drop due to COVID for a small duration. **Commissioner Watson:** We can move on. I'd like a written letter to explain how there's a project operating under an ordinance where the contractor is not aware of the hiring goals. **Pam:** Travis, basically Turner will always introduce to all subcontractors the hiring principles in line with BRJP, however, at the time they couldn't say to Hub or any subs on board that this was a BRJP monitored project because we weren't in conversation with them, unfortunately, there was a glitch. When I had the pre-con and realized we had the project, I spoke with the people at Hub and they clearly stated they understood that Turner wanted them to meet the residents, people of color and female goals, but they didn't realize they were on a BRJP project and they were on two other BRJP jobs that were ending. They had done the majority of their hours on this job and was downsizing and not increasing their crew. All we can ask is that they keep any resident, people of color and women they have. **Commissioner Watson:** No letter needed, Pam, thank you. **Pam:** The project is being monitored on our new Salesforce system. Liz has been very helpful with the Salesforce transition.

Public: Priscilla Flint-Banks (Black Economic Justice Institute): Concerned that COVID has become an excuse that is a cover for something that had already been a pattern. How do you address an issue that has gone on long before COVID?

Commissioner Watson: I don't have an answer for that. I'm grateful for the newly amended Job Ordinance, however I'm frustrated on this. The Amended Ordinance is deeply flawed. Missing resident goal by 31% yet in compliance? It's not even close. Derenzo, Hub Foundation, Mckusker and Gill - these three contractors have worked the system and skating through and allowing thousands of dollars that should be in the hands of Boston residents to leave our city. In compliance does not mean in compliance in this case and I will make every effort to change what has been normalized by these contractors. What are the challenges in hiring residents? **Amy** – 10 month job (McKusker Gill). Core group of 3 or 4 gentlemen. We needed people that had the qualifications for this job. Not to make an excuse. We did have a corrective action meeting. The crew will be changing in a couple of months. **Commissioner Watson:** Were any of those residents? **Amy:** No. **Commissioner Watson:** That's an excuse. **Amy:** We needed people that had experience and wanted to work third shift. **Commissioner Watson:** S&F Concrete is improving. We met with the leadership 12/18months ago. From that meeting I have seen some slow improvement and would like to reach back out to let them know I do see improvement. **Commissioner Watson:** J Derenzo: Historically since January 2015, 329,000 wkhrs at 25% BR, 21% People of Color and 7% women. The people of color and women are coming from outside the city which is a concern. I did read the letter, but I'm offended that they would use COVID when the pattern has always been the same with their 34 other projects. The Best Faith Efforts aren't cutting it. This is thousands if not 10s of thousands of dollars that are not being provided to Boston City Residents which is unacceptable. We need to refocus the strategies with them. I try to be reasonable, but when there's a pattern of non-compliance and corrective measures are dismissed, it's telling. **Amy,** I can relay that feedback and also with procurement, that prior to awards, residents would be put on projects. **Commissioner Watson:** I can't in good faith continue to chair this commission and see repeat offenders. Folks know when they work in the city what they need to do. Hub Foundation (105,000 wkhrs, 9% BR, 20% POC, 0%F) still meeting less than ½ the goals. This Commission will refocus strategies to highlight the firms who are doing good or are making efforts to improve and do something about those who aren't making the effort to actively partner with organizations who have access to residents. McKusker and Gill (305,000 wkhrs, 19%BR, 18%POC, 0%F) – I do understand that COVID did effect them, however, based on their letter, if the case is that they have relationships with Building Pathways, EXIT, Madison then why aren't they hiring from those programs. TG Gallagher's letter, is checker boarding, maybe I'm misunderstanding, but the intent is to create new jobs. It's unfair to move people around in that manner. I would love for an opportunity for them to address that. **Amy:** Prior to COVID the hall was empty. Lack of workforce in general. **Commissioner Watson:** I appreciate you trying to cover for them. Because they're not here I'm reacting to their letter. I would like a letter regarding them moving women around. **Amy:** We weren't aware they needed to be here. **Commissioner Watson:** They didn't have to be here, but GCs tend to have subcontractors speak for themselves. **Pam:** I apologize, they wrote the letter at my request. They are not checker boarding. The two females are on another project. This project was allowed to continue working during COVID. They laid off a large number of their workforce. I asked them to summarize and give their next steps to improve their workforce performance. **Commissioner Watson:** Big picture, 2000 women from Build-A-Life program are waiting to be accepted by unions. I'm moving on. Which Business Agents didn't make the meetings? Would like to get to the bottom of that. Their partnership along with the unions is critical to the success of the BRJP. **Commissioner Cofield:** Time for excuses are over. Companies that have a history of not meeting the numbers need to be addressed accordingly. Everyone who does work of this magnitude in this city knows the hiring goals in the city. Whether monitored by the city or not. Companies like HUB and Derenzo. Derenzo is never in compliance. We have to look at bringing sanctions in to play. Derenzo is on at least 80% of city construction jobs. There's always going to be an issue about not being able to find the people. Excuses like the crew is too small. People need access to opportunity. There's plenty of work to bring new people in. Commissioner Watson, my frustration is bigger than yours. **Amy:** The 100 carpenters and 2000 women is that accessible to us? **Commissioner Cofield:** It's accessible if you call us. **Commissioner Watson:** It always seems the last two weeks of a project women are brought on to make the numbers. I implore the BRJP to take action to protect jobs for residents in this city and strongly recommend precluding J Derenzo from the award of municipal contracts and competitions for public development rights for up to 3 years. If there is a time to use this tool written in the ordinance, it is with the contractor, J Derenzo. I realize the Director of Equity and Inclusion is not with us today, Chris, please relay this to the team. **Amanda:** We work very closely with Mary and Kate, we will reach out to them and see how many women are trying to get in the unions. **Commissioner Watson:** Another suggestion is to look at some of these contractors past history. **Amanda:** We do take into consideration their

history. **Commissioner Watson:** I would kindly ask that you re-tool how you do that. If that's the case there's contractors that's awarded that haven't done so well with the hiring goals. I would like to understand your reasoning to hire a contractor not doing well with hiring goals.

Public: Priscilla Flint-Banks (Black Economic Justice Institute): Until they are sanctioned or disbarred this foolishness will continue. **Commissioner Watson:** Thank you for your commitment and the other community allies that help to move this work forward.

Chris: We will reach out to J Derenzo and Turner after this meeting. We have a new Jobs Bank Coordinator, Janine McLaren. She started this week. We would like to include you and any Business Agents in the conversation.

Travis: The Jobs Bank Coordinator is such a critical position. I would love to join that meeting.

B. Omni Hotel

Duration: 14 mins.

Present: Kate Blessington (JMA), Manuel Barbosa (BRJP Monitor)

Project Overview: 413,237 wkhrs, 28%BR, 32%, POC 8%F

Manuel Barbosa: Commend JMA for driving the bus on this project. Showing commitment to meeting workforce goals as a performing subcontractor. J. Derenzo's Female number 10%, Kate has been working hard with them on that, however they still need to meet Boston Residents and People of Color numbers. **Commissioner Watson:** As a firm your numbers are excellent. Your leading by example, 15 contracts went to MBEs/WBEs which is not in jobs ordinance, but shows your commitment to Equity and Inclusion. I'd like to replicate your Compliance Effort Packet and use it as a model for other contractors. It's the most complete and comprehensive. One thing I do want to address and perhaps I misunderstood a letter from Gretchen H. Sounds like checker boarding. Can you reach out to her and have her write a letter explaining? **Kate:** They are new to this. It's just the way she wrote it.

Commissioner Watson: I will accept your word, given your track record. No letter necessary. **Kate:** We're peering each larger sub with smaller subs, and they are a smaller sub we peered with Karas and Karas Glass.

Commissioner Watson: Please relay that the terminology could be misinterpreted. Let Mike Abbott with State Electric know I concur that some leniency should be given to them with the case he laid out in his letter. Jesse Burman from Derenzo, let him know he isn't the one to let the Commission know who is in compliance. It's the job of the Commission to let them know they're not and their numbers are bad. **Kate:** We go back in forth on letters with Jesse. **Commissioner Watson:** I see JMA is continuing to exercise the right to withhold payments until compliance and best faith efforts have been reached. Please email me your senior leadership CEO/CFO contact information so I can make them aware of my comments today. **Commissioner Cofield:** I'd like to have the uncomfortable conversation with all our partners about bringing minorities up through the ranks. In the last 30 days, S & F has brought 2 minorities up as foremen. We need help identifying workers on site who can be trained for leadership. **Kate:** Absolutely. **Commissioner Watson:** I would like to work with you on this. While it is important to have that diversity in the workforce, I would like to click on the Northeastern Regional Carpenters leadership page and see diversity there as well. Thank you, Kate, keep up the good work.

Adam Branch Library Renovation

Duration: 17 mins.

Present: Rob st. Onge (J & J Contractors), Lonnie Daniels (Lonnie Daniels Associates), Susan Goldman (J & J Contractors) Christopher Brown (BRJP Manager/Monitor)

Project Overview: 12,714 wkhrs, 30%BR, 40%POC, 13%F

Commissioner Watson: This project looks good. Great improvement from previous 2 – 3 other City of Boston projects the PFD presented. **Christopher Brown (BRJP Manager/Monitor):** This project is under the New Ordinance. It's 60% complete and in compliance in all 7 Compliance Efforts. **Rob st Onge (J & J Contractors):** We should be exceeding in all categories within 3 weeks. **Commissioner Watson:** It's not a coincidence that previous projects were lacking in the BRJP goals and it shows bringing Lonnie on has a made a difference. I commend team for that decision. Compliment PFD for improvement on People of Color and Female numbers. We rarely see goals for women met, so that's worth noting. **Lonnie Daniels (Lonnie Daniels Associates):** I always try to be pro-active. We have internal corrective action meetings to be ahead of the game. **Commissioner Watson:** What's the goal to

increase the numbers? **Rob:** We are transitioning from rough-in to finishing. Millwork – a good portion is finished. Outside of building – Terra Cotta Clay panels. Installer is from Chicago. We had a meeting with union and they will supplement workforce 50%. Between the two trades our numbers will increase. **Lonnie:** Out of new companies coming on only one hasn't had a Pre-Con meeting, which will happen with Chris on the 25th. Everyone is aware of the BRJP goals. We emphasize at weekly meetings. **Commissioner Watson:** Is L&L a file sub bid contract? **Lonnie:** No, they are item 1 Concrete work for GC. **Commissioner Watson:** Their numbers are not good and they have worked 4 BRJP projects, so that's enough to know the goals. Their average numbers are 22%BR, 17%POC, 0%F and on this project it's 13%POC, 0%F. I see a pattern. **Lonnie:** As you know Concrete work is the first on the job, although they know the goals, it's unfortunate that wasn't addressed. We have to make sure Concrete workers are coming on correct day one. **Commissioner Watson:** Chris, I recommend that we have a conversation with L&L. We should have a virtual meeting. They should be reminded of additional tools we have, and that their being on site first and early, BRJP is tracking. This is the 4th project not in compliance and they must not continue with this pattern. **Chris:** I agree, it's not just L&L, but we can start with them. That's a space our new Jobs Bank Coordinator who just came on board can step in and help work with contractors on their core crews. **Commissioner Watson:** That sounds great. Additional conversations should be had with HB Welding. I'd like to get a sense of what happened on this project with them, seeing that they were averaging 8% women participation on previous projects and 0% on this project. Lastly, Titan Roofing is having a challenge with Boston residents. I'd like to have a conversation with them as well. **Commissioner Cofield:** You summed it up. I would like to have a conversation with L&L. about increasing the numbers in their workforce if they are bidding on any other work in the City of Boston. **Susan Goldman (J&J):** Contacted union for 2 people. 1 left and wasn't replaced. **Commissioner Watson:** Will we see this for a close out? **Chris:** Yes. I want to say that Susan and Lonnie have been excellent on this project. **Commissioner Watson:** I really want to commend City of Boston on these improvements. I can be tough, and I can be fair. It's clear the team in place has helped make a huge difference. Thank you, Chris for acknowledging that.

IV. DIRECTOR'S REPORT:

Duration: 7 mins.

Christophe Brown (BRJP Manager):

1. City of Boston summer jobs program partnered with Compliance Mentor Group (Nicole Richards). A virtual 8 week session where students gained knowledge in the Construction trades.
2. New Jobs Bank Coordinator, Janine McLaren. Being on-boarded this week. Getting her familiar with the process, stakeholders, pre-con meetings and her role for direct placement and outreach.
3. 2-3 New Commissioners coming on board in September (3-4 terms expired July 1, 2020). We hope to have them confirmed by the September BEC Hearing.
4. Salesforce consultant is on board. Minority owned business, Spectrum. All projects will be on salesforce at some point in the future.

Commissioner Watson: Fantastic news about the new Commissioners! I'd like to be mindful that the Commission be reflective of the City of Boston in its diversity. This past board was 100% people of color and while it is awkward for me to say, we should have a white perspective on the Commission which is critically important at this time. Lastly, I want to apologize to Pam for cutting you off during the BIDMC presentation.

Pam: No apology necessary, I know you are passionate about the cause.

Director's report accepted.

Hearing adjourned at 2:59 pm.