

Boston Employment Commission Hearing Minutes

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

Commissioners Present: Commissioner/Chair JocCole “JC” Burton, Commissioner Travis Watson, Commissioner Priscilla Flint and Commissioner Darrin Howell.

Hearing Begins: 1:03 PM

Meeting began with an introduction of the Workforce Empowerment Cabinet by Chief Trinh Nguyen. 4 departments consolidating under one umbrella to provide effective services: Youth Employment Opportunities (YEO), serves ages 14yr olds – 24yr olds; Office of Workforce Development (OWD); Center for Working Families (Nubian Square), and Labor Compliance and Worker Protection. The transition of BRJP/BEC will come under the Labor Compliance and Worker Protection as of April 1, 2023 under the direction of Jodi Sugerman-Brozen, Deputy Chief, Worker Empowerment). Chief Nguyen served on the BEC 12-13 years ago. She states it was a great learning experience and has the utmost respect for all concerned. She thanked the Commissioners for their service and expressed that she is accessible for any outreach at any time.

Commissioner Burton stated how fitting it was to be introduced to Chief Trinh as we enter into Women’s History month.

I. MINUTES

January 18, 2023 approved, moved by Commissioner Watson and 2nd by Commissioner Flint. All I’s.
February 15, 2023 minutes approved, moved by Commissioner Howell, 2nd by Commissioner Flint. All I’s.
February 1, 2023 (Special Hearing) minutes approved, moved by Commissioner Flint, 2nd by Commissioner Watson. All I’s.

II. SPECIAL PRESENTATIONS

Present: Nicholas Haney (Mass General Hospital), Chuck Favazzo (Legatt McCall Properties), Brian Chase (Turner Construction Company), Alison Stanton (Turner Construction Company), Amanda DiLando (Turner Construction Company), Dakota Jones (InOrder Business) and Pam Ruffo (BRJP Construction Monitor)

A. MGH Cambridge

Duration: 29 mins.

Brian Chase (Turner) Introduced team. **Nick Haney (Mass General Hospital)** gave overview of the project. Anchor Strategy: An 8 year workforce development strategy to improve the under-representation of women and minorities on construction projects as part of Mass General Brigham’s broader strategy to increase diversity and address income inequality. Develop strategies to push the boundaries of the standard Boston construction workforce demographics. Areas of Focus: Workforce, Businesses Under-Represented, Youth Engagement, Development in the Construction Industry. The MGH Cambridge Street Project is a 1,207,000 sf state of the art clinical care building which includes 482 single-bed inpatient rooms, operating/interventional and procedural rooms, imaging facilities, infusion rooms, exam rooms and clinical support space for pharmacy and dietary. It will include an education center and auditorium. Six levels of underground parking will accommodate 864 vehicles for patients and families as well as 566 bicycles. Project Schedule: 25% Complete: May 2025; 50% Complete: August 2026; 75% Complete: November 2028; 100% Complete: December 2030. Upcoming Trade Partners: A.A. Will, Treviicos, Walters Steel, Heritage Restoration, G&C Concrete, EM Duggan, New Hampshire Steel, Sullivan McLaughlin and Massey/Fabbrica. **Brian:** A key element is also making construction sites more welcoming and conducive for the workforce of today. **Amanda DiLando (Turner):** Job Application Process: Application forms are located inside the jobsite office. Collected forms are sent to subcontractors employing the trade specified by the applicant. Non-union applicants are sent directly to the City of Boston Jobs Bank Coordinator.

We then follow up with the subcontractors to see if interviews were held and if the worker was able to be employed, asking that the form be returned with the results noted. The form is then sent to both our BRJP Construction Monitor and the Jobs Bank to either document the hire or for entry into their database for future opportunities with the City. **Commissioner Burton:** The team identified their community strategy for diversifying the workforce on this project. Glad to see InOrder Business is involved. **Commissioner Watson:** What is the overall construction cost? **Brian:** It will be north of \$2 Billion with the potential of escalation. **Nick:** The buy out for the corn shell won't happen until 2025/2026 and will most likely effect the construction cost as well. **Commissioner Watson:** MGH Facilities are world renowned and I'm excited that you are staying in Boston. Historically, these types of projects have tough time meeting BRJP requirement goals. Given the magnitude, how can this type of project have the highest economic equity? In light of the city's Disparity Study looking at 5 years of construction spending of \$986 Million of which ½ went to union contracts. 1.2% to MBEs and 0.4% to Black owned businesses. With this \$2 Billion dollars coming into the city on this project, your team has the opportunity to get it done right. **Brian:** You hit two important features: 1) Leadership – the Board's subcommittee focuses on the Anchor Strategy and is led by Mo Cowan. 2) Volume – we are well aware that the massive size of this project creates problems and it also creates opportunities. Because it's 8 years long, it provides a long measuring stick and we will maximize the UBE. **Commissioner Watson:** Thank you for that information. I've haven't had the opportunity to cross paths with Mo Cowan, but have heard nothing but amazing things about him. **Commissioner Howell:** The scope, magnitude and duration of this project, offers life changing opportunities for the residents of the City of Boston. I'm also glad to hear Mo Cowan is on the team. I echo Commissioner Watson. The intentionality of the anchor strategy is promising and could be a model of how to do it right with a project of this magnitude. **Pam Ruffo (BRJP Construction Monitor):** As a construction monitor, I'm highly impressed with the anchor strategy and extremely confident in the team and this MGH/Turner Partnership. **Commissioner Burton:** Thrilled to see strategy beyond what we normally see. It is indicative of the future of construction's inclusivity. We look forward to see you come before us over the next 8 years.

Present: Andrew To (Druker Company), Karen Blessington (JMA), Jamie Noon (JMA), John Vukie (JMA) and Pam Ruffo (BRJP Construction Monitor)

B. 350 Boylston Street

Duration: 15 mins.

Commissioner Burton recused herself from this project and disclosed that her company, Maven Construction has business relationship with John Moriarty. Commissioner Watson chaired.

Andre To (Druker Company): The proposed project consists of a 9-story mixed-use development with office and retail uses and a below grade parking garage for approximately 150 vehicles. Land Square: 27,654 square feet and Gross Floor Area: 221,230 square feet. **Jamie Noon (JMA): Construction Schedule:** Site Work: 01/2023 - 11/2023 – Structure: 11/2023 - 07/2024 - Exterior: 03/2024 - 12/2024 - Finishes: 07/2024 -05/2025 and Certificate of Occupancy: 06/2025. **Job Application Process:** An application for employment sign has been set up at the entrance of the project with instructions to apply at JMA onsite office. All applications for employment will be sent via email to project managers of all subcontractors that employ the trade for review as well as the Boston jobs bank coordinator. John Moriarty and Associates (JMA) recognizes that as a leader in our field, we have a responsibility to cultivate opportunities for, and develop greater participation of, minority and women subcontractors, vendors, tradespeople and management staff within our company and industry. **Workforce Diversity Efforts and Community Partners:** We have a great relationship with unions in the Boston area. We have implemented a plan which incorporates an exceptional and comprehensive outreach and mentoring program, including joint venture with MBE contractors. Some specifics on how JMA has implemented these goals are outlined: MBE/WBE subcontractor and vendor prequalification and utilization; Tradespeople mentorship, recruiting and sponsorship; Establishment of a stand-alone independently owned MBE/WBE labor contractor; Educational opportunities and support; Management staff recruiting, internship program, and mentoring opportunities. This is a \$150M project (referenced the Omni Hotel). **Awarded Subcontractors to date:** Partition Systems (Doors, Frames & Hardware); TJ McCartney, Inc. (Drywall); E.M. Duggan Inc. (HVAC Systems); Canatal Industries, Inc. (Structural Steel Fabricator); S & F Concrete (Concrete); J.M. Brown Company (Electrical); Prime Steel Company (Steel Erector); Diamond Ironworks (Misc. Iron); Ipswich Bay Glass Company (Glass); East Coast Slurry, Inc (Slurry Wall); South Coast Steel, LLC (wbe) (Rebar Installation); Otis Elevator (Elevator) and A.A. Will Company (Excavations/Foundations/Utilities). A. A. Will, South Coast Steel and East Coast Slurry are on site now. **Karen Blessington (JMa):** This project is under the old ordinance (50/25/10). We do require our subcontractors to

give a report to us as well as the Salesforce reporting they do. **Commissioner Watson:** When Pam and Karen on a project, I know it's in good hands. You both are very thorough in your approach to compliance. The mentor piece is important and you might be selling yourself short because what you are doing is setting up the MBEs/WBEs to be sound and sustained (referenced an article on a Darrell Williams, owner of Wilco Construction in Pittsburg, PA and went through a mentor Program called The Pitts Program). Look forward to your quarterly review.

III. PROJECT REVIEWS

Present: Daphne Sarcia (Lendlease), Jared Cianciolo (Consigli), Kacey-Ann Satchell (Consigli) and Pam Ruffo (BRJP Construction Monitor)

A. 60 Guest Street

Duration: 15 mins.

Project's Overall Numerical Compliance: 26,537 workhours, 204 workers, 8 contractors, 16%BR, 32%POC 2%F

Pamela Ruffo (BRJP Construction Monitor): This project is 10% complete. All top five subcontractors are struggling with resident participation. Keller North America & Welch Corporation who were the first subcontractors' onsite and are the two largest employers onsite were called to a corrective action meeting in December 2022 based on their workforce participation at the time: Keller North America 3% Resident, 16% POC & 0% Female & Welch Corp 12% Resident, 38% POC & 0% Female. They had committed to increase their workforce diversity which they did achieve slight increases: Keller North America hired a female piledriver and committed to increase the work hours of their 2 resident laborers which resulted +2% Residency & +1% Female. They are offsite and will return for 1 week of work. Welch Corp hired a Resident/POC/Female laborer and 2 equipment operators (1 Resident & 1 Resident/POC). Which resulted in +6% Residency & +1% Female participation. Welch Corp. has completed their mass excavation work. They will return April 2023 to perform utility connections to the building with a small crew 1 operator and 2 laborers. I have requested they bring back the Resident/POC/Female. American Plumbing has started onsite with strong participation of 87% Resident & 10% Female. They will continue to work at increasing their 27% POC participation as their scope of work continues. Laborer trade is 1st largest trade onsite with low resident participation 18% and 2% female participation. POC participation is 45%, which exceeds the BRJP goal of 40%. Consigli Construction has been a strong partner through their excellent Outreach efforts. The project will be hosting Mary Vogel of Building Pathways on Wednesday, March 8th, as part of their Subcontractor's Principal Council, a monthly meeting where principals from each awarded trade partner meet to go over project milestones as well as review safety best practices. Consigli Construction partnerships & resources include: ACE Mentoring, BFIT, Boston Bridges Initiative, Building Pathways, Bronx School of Science, Friendship Public Charter School, The Base, Thomas Edison High School of Technology, Women at Wentworth Scholarship Program & Year Up. **Commissioner Burton:** This is a \$225M project. What is the plan going forward with those subcontractors mobilizing next and how does it address the participation of Boston residents, people of color and women? **Kacey-Ann Satchell (Consigli)** Given the project is 10% complete, there's room for improvement. There will be trades coming on that historically come to the site with demographics pertaining to Boston residents /People of color/Female. **Jared Cianciolo** will be able to speak more to that. **Rob Tomasetti (Lendlease):** Jared is having difficulty with his mic. If you can field other questions, he should have it resolved shortly. **Commissioner Howell:** Knowing how percentages can overlap in categories, what is the struggle with identifying Boston Residents and People of color in Boston? **Kacey:** The challenge is that Boston resident union workers are working (**this is a union project**) and trade partners are keeping them, in addition to a mass exodus of residents leaving the City of Boston. **Commissioner Burton:** It would be helpful to get the site point of view as it relates to Procurement and the DEI component. I'm not sure it's fair to say that the challenge is people of color moving out of the City of Boston. **Kacey:** The question he asked me was about Boston residents. There are fewer Boston residents. I've had people start as a Boston resident and move outside the city during a construction schedule. **Commissioner Burton:** As an owner of a construction company, I incentivize workers to live in the City of Boston. **Commissioner Watson:** Looking at the Economic Impact of 2 Consigli projects presented today with a combined cost of \$411,000,000 (80% will leave the city). The Boston Building trades simply don't have the people. It's easy to say they moved out and I understand Boston has become unaffordable, but the Greater Boston union construction only provide 23% workhours to Boston residents and 77-79% workhours to white workers outside of the city. The question to the city's administration as a whole is when will there be a stop to enabling construction trade unions to build in Boston and not provide opportunities for Boston residents, people of color and women? Until the administration makes sure the building trades come to the table and are transparent, we will continue to spin our wheels.

Consigli's outreach efforts mentioned in the report are amazing, I reiterate, until we have BR/POC/F in the unions, we will go in circles. **Commissioner Flint:** I echo Commissioner Watson. Have you reached out to the Job's Bank (BRJP Job's Coordinator, Janine McLaren)? **Pam:** Just to reiterate, this is a union job and we can only place union workers. I received a direct union worker (Boston resident) from Local 151 which is a local in Alston/Brighton. We tried to get him placed with G&C and Welch, but they were decreasing their crew. We were keeping him in mind. **Kacey:** We were looking to place him on another project that Pam monitors close to this project. The outreach is happening and as I stated earlier, Boston resident union workers are working. From what we've seen, there isn't a diverse of candidates and we are making efforts to bolster the pipeline. It's like planting a seed and we will not see the effects on this project, but the fruition will come. We will have 10 projects by the end of the year.

Commissioner Burton: This is not a new issue. To say that people are moving out of town is not acceptable. Consigli is on its 3rd generation of leaders (over 100 years). I'm familiar with the company and you all do good work. What's being presented today seems disingenuous. Consigli's GDP is 1 Billion or more annually. It's Consigli's task and charge to figure out a pipeline strategy that works and it has to be different than the same old thing that's been done. **Kacey:** It's not the same old thing. **Commissioner Burton:** In light of your comment about 10 more projects coming, if what is presented today is improvement, than you have to do better. I'd like to speak to a site team member because the question I'm asking cannot be answered by the DEI person. Is Jared available? **Kacey:** He's been waiting. I tried to answer the question, and you don't like the response. **Commissioner Burton:** I will not be interrupted (*please mute her*). This is beyond unprofessional. **Commissioner Burton:** Jared, what's the pathway to develop a pipeline of Boston residents? **Jared Cianciolo (Consigli):** I can't speak to the other 9 projects. I write the scope of the project. The effort is there and discussed during the bidding phase. There's a separate department for DEI and Procurement. We discuss the BRJP requirements. Some of the answers in regard to lack of participation for BR/POC/F: "we're waiting for someone of color to come off another job" or "the person didn't stay" or there's no one in the union hall. **Commissioner Burton:** Thank you for your response. I'm just trying to find out the corporate strategy. In my two years on the Commission, I've never gotten so heated. Please take this back to your team. What you have in play now is not going to work with the 10 projects coming up. Look at your customer service surveys and see what is being said by your trade partners and women led and people of color led companies that can help you increase diversity. Statistics have shown that women led and minority led companies are most likely to hire women and people of color and that could help increase diversity. **Commissioner Watson:** In all of my years on the BEC, I have never experienced such disrespectful engagement. The DEI team member's words about planting seeds is disrespectful and ignorant of those who planted seeds 60/70 years ago (Chuck Turner, Leo Fletcher and Omar Canon). They tried it and it hasn't worked. What's important to realize is that relying on a group run by White people who represent another group full of white people to get black and brown people into opportunities is not going to work. Those sorts of best practices don't work. **Commissioner Howell:** I'm new to this board but not new to the issue. I am a union person. Look at some of the entry into the trades. The annual recruitment schedule is not sufficient. Kacey stated people are moving out but that's not the vast majority. I'm curious of the economic impact of the cost of the upcoming 10 projects. **Commissioner Burton:** The Construction Industry needs to take a cue from our Commonwealth. Yesterday, Governor Healey was in Springfield talking about apprenticeships and getting diverse people involved. **Mary Vogel (Building Pathways):** I want to clarify some disinformation conveyed in the last 10 minutes. There are efforts the building trades are making to diversify the industry, understanding that there has been a history of racism and sexism. I think it's unfortunate they are being represented as not trying to make strides to change this. Commissioner Burton you mentioned the Governor attended the State Building Trades convention in Springfield. I was there as well.. I'd like to remind people that 90% of women and 90% of people of color in the building trades' apprenticeships are in union apprenticeships. That's not to say we don't have a long way to go. Building Pathways is not led by white men. We are a 9 member board of which 6 are women and the majority are women of color. I have worked in the trades for 40 years and I am the Executive Director of Building Pathways (white woman) and the Deputy Director, Nancy Luke (woman of color). One of the BEC Commissioners, Kenell Broomstein is on our Board (women of color). I'm not sure if Commissioner Watson knew that, but that is the demographics of our leadership team and staff.. It is also discouraging that more emphasis is not on women having access to the industry. We know that 50% of the workhours in Boston are worked by women of color. Recruiting more women into this industry brings not only a gender perspective, it also deals with the race issue and Building Pathways is focusing on that.. In addition, most local building trades in Boston have a vast outreach for their recruitment and may account for workers coming from outside the city/state. Commissioner Burton, you stated that there are statistics that show women-led and minority led businesses hire diversity. That may be true for minority-owned business, but our research doesn't show that for women-owned businesses. **Commissioner Burton:** Unfortunately the conversation the contractor was presenting (not necessarily accurate data) didn't allow for a focus on women in the industry, who

need a different support. Flippant comments like people are moving out and that's just how it is and we're planting seeds dismisses the focus on needs like early morning childcare and incentives to attract people to come back to the city or to stay in the city. We have seen general contractors that are addressing these concerns and providing transportation and partnering with daycare centers to help workers get to the work site. **Commissioner Flint:** How many people from Building Pathways, which I believe has been around for 10 years, have gotten into the unions? **Mary:** 86%. Which includes union apprenticeship and other industries (ie: MBTA, National Grid, etc.). 90% are women of color and are Boston residents. The union construction industry supports our Care that Works program and matching families with daycare providers that are willing to open at 5:00am – 5:30am and the program also gives scholarships to reduce the cost of childcare. **Commissioner Burton:** Please share that with your partners that presented today. It seems they are unaware. **Commissioner Watson:** The Executive Director of a non-profit organization is the leader. I'll leave it at that. In 2023, it is extremely offensive for an organization to pat themselves on the back and celebrate the lowest tier and lowest paid when others are diversifying leadership with senior leadership, Executive Directors, CEOs, and Presidents. I don't see that in the union building trades at all. I'm not accepting the way of the 60s when you were told to just wait it will happen. I'm looking for a lot more urgency. **Commissioner Burton:** Mary the data cited for women-led companies came from what we have seen at the BEC from women-led companies. I will share through Jodi offline (Mary requested the data). **Commissioner Howell:** Some of the improvements in the union space could be faster. The wheels have been stuck in the mud far too long, but it's moving. I'm part of that proof. When a project of this magnitude of a company that has this many opportunities for business, I think the efforts should be equal to show that you're looking to address the concerns raised here today. **Commissioner Burton:** Jodi and City of Boston team, Commissioner Watson made a suggestion and I would like us to figure out how we can employ it now in showing the economic impact of dollars that are leaving the city of Boston vs what is staying. This project is showing on average 10% of the \$20 Million dollars Consigli is spending on contracts is going to Boston residents. It's clear what is leaving the city of Boston. We asked last year that we do an analysis/case study so we can get the real intention of why the Boston Employment Commission exist and why we are trying to add equity for the Boston residents, people of color and women. With that said, let's go to the last project on the agenda, which is also a Consigli project.

Present: and Pam Ruffo (BRJP Construction Monitor)

B. 60 Kilmarnock Ave.

Duration: 15 mins.

Project's Overall Numerical Compliance: 62,338 wkhrs, 406 wkrs, 12 contractors, 19%BR, 36%POC, 4%F

Takara Hamilton (BPDA Construction Monitor): The BPDA and Consigli Construction have had 9 pre-construction meetings to onboard all 20 contractors on site. 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. All 13 Active Contractors are in compliance with the 7 enforcement compliances. **Skilled Trades Highlights:** 26% resident Carpenter hours • 57% POC Iron Worker hours • 96% female Mason hours • 35% female Wrecker hours Subcontractor **Specific Trade Highlights:** Atlas Drilling - 34% Residents Equipment Operator hours, 36% POC Equipment Operator hours. • Composite Company - 44% Boston Resident Iron Worker hours, 48% POC Iron Worker hours. • G&C Concrete - 100% Female Mason Tenders hours. 20% Female Laborer hours. • Keller North Star - 45% Resident Equipment Operator hours. • Select Demo - 33% Resident Laborer hours, 35% Female Wrecker hours. **Subcontractor Specific Compliance Efforts J.C Cannistro:** Efforts include continuous requests to Local 12, 17, 537, and 550 for Boston Residents, POC, and female workers. • Currently employs 7 Boston residents, 6 POC, and 2 female workers. **Madison Park Tour:** Host 12/13 students from Madison Park HVAC and Metal Fab programs at Cannistraro's Fabrication Facility for an informal presentation and tour. High school internship Summer program designed to provide a track from high school to full-time positions and Union Sponsorships - Hands-on training for 14 students, transportation and food provided. Currently has one student co-oping with the plumbing division from the program. Seven more students who have applied to the internship for summer 2023. G&C Concrete currently employs 20 Boston Residents and 5 female workers. G&C has actively placed Boston Residents on the project since the beginning of their scope. We expect more moving forward. Female participation has been at 9% for the entirety of the project. Resident participation increased from 14% -> 19% in four months (Nov. - Feb). Welch Corp Continuous requests are made to local 4, 22 for Boston Residents, POCs, and Female workers. **Commissioner Burton:** I'm surprised by the dialogue with Consigli today. The messaging was confusing and unusual (Commissioner Burton referenced her participation in Consigli's Infinity group for women). Multiple projects need

multiple project strategy and companies doing a lot of work in the city should look beyond efforts that aren't working. Takara, thank you for highlighting JC Cannistraro (Plumbing and Mechanical).

Public: Amy Cannistraro (J.C. Cannistraro): Commissioner Burton what is Maven Construction doing to incentivize living in the city? We are looking into employee sponsored housing, we help with moving expenses to move into the city of Boston and if they lease outside of the city, we ask them to reconsider leasing in the city of Boston. This is not mandatory to work for Maven, but it is something I present. **Janet Jones:** I do local observation (DOT Block) and intervene with abutters who are overwhelmed by size of projects in their community. I'm getting older and not able to get around like I used to, but I'm involved as much as I can. **Commissioner Watson:** Janet is a legend. So grateful for her work and friendship. **Commissioner Burton:** Janet, both Commissioners Watson and Howell are applauding your steadfast work in community. With your nudge, we should revisit best practices and case studies. I'm reminded of a project that came before the BEC some time ago, I believe they were union but don't quote me on that. They put advertisements for construction workforce on FaceBook and in Craigs List and had successful results. We were impressed with their out of the box strategy.

IV. BEC Commissioners' Follow-up Requests/Concerns

- Nothing Outstanding

V. SANCTIONS:

- Appeal letters received from (Dykeman Welding and Fabrication and Bridgeline GC) and Appeal hearing date to be scheduled

VI. DIRECTOR'S REPORT

Jodi Sugerman-Brozan (Deputy Chief, Worker Empowerment): I want to thank everyone for your time here today. We thank the Commissioners who volunteer their time and give attention to the information they receive on the projects. Given the conversation today, the Job's bank will be hosting a Career & Opportunity Fair in Nubian Square at the Bolling Building. The date and details are being finalized. All Developers, GCs and others in attendance here today are encouraged to attend. Janine will follow-up with the details and has provided her email in the chat. April 1, 2023 will be the official date of transition of the BRJP Dept. to the Office of Labor Compliance & Worker Protections (*Workforce Empowerment Cabinet*). The Fiscal budget for 2024 will begin July 1st. We have received appeal letters from the two contractors sanctioned on February 1st, 2023,, Dykeman Welding and Fabrication and Bridgeline GC. The Commissioners have reviewed the letters and a Special hearing is in the process of being scheduled.

Commissioner/Chair Burton thanked everyone for attending and thanked her fellow Commissioners for joining her on the pathway to equity.

Meeting adjourned 3:12pm

KO/BEC Coordinator