

Boston Employment Commission Hearing Minutes

A monthly hearing of the Boston Employment Commission (**BEC**) was held virtually on Zoom, August 21, 2024.

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

Absent: Commissioner Donald Alexis

Commissioner Kenell Broomstein resigned August 20, 2024.

Hearing Began: 1:05 PM

July 17, 2024 Minutes approved (motioned by Commissioner Howell and 2nd by Commissioner Watson)

I. ANNOUNCEMENTS

Mimi Turchinetz (Asst. Deputy Chief, Office of Worker Empowerment): Deputy Chief, Jodi Sugerman Brozan is on vacation. By way of announcements, there are job opportunities for low-income and disenfranchised. The link was provided in the online chat. Reminder of the 7/11/24 National Oceanic and Atmospheric Administration (NOAA) \$60 Million climate-ready grant which the City of Boston received the largest portion of \$9.8 Million for green infrastructure. Information regarding Building Emissions Reduction and Disclosure Ordinance (BERDO). The local law addresses large existing buildings reduction to air pollution and greenhouse gas emissions. Owners of buildings subject to BERDO are required to report their buildings' annual energy and water consumption. (link provided in the chat).

II. SPECIAL PRESENTATIONS

A. Bartlett Station

Duration: 20 mins.

Present: Caitlin Walsh (Nuestra CDC), Chrissy Clark (Bald Hill Builders), Andrea Monteiro (Bald Hill Builders), Benjamin Dion (Bald Hill Builders), Brenda Laurenza (Bald Hill Builders) and Robert Woodson (BRJP Construction Monitor)

Benjamin Dion (Bald Hill Builders): Powerpoint overview of Renderings, Construction Management Plan (Construction site setup) and the Construction Schedule. **Caitlin Walsh (Nuestra CDC):** Background of project – 8.6 acre MBTA trolley yard. 5 story structure with 44 units and community space. The project started June 10, 2024 and estimated duration of development is 18 months. The awarded subcontractors are 85-90% complete. **Andrea Monteiro (Bald Hill Builders):** 15 MBEs – 51% of total contract. 15% section 3 (6) and 16% WBEs. **Chrissy Clark (Bald Hill Builders):** BHB outreach efforts include partnership with Youth Build Boston’s Job Fair, September 12, 2024 and additional local job fair. We work with Janine McLaren (Boston Jobs Bank Coordinator). We work proactively with subcontractors and conduct phone interviews with applicants. We coach non-qualified applicants and have created an internal applicant database (*experience and interest*). **Commissioner Burton:** Are there challenges in the early start in meeting the BRJP goals? **Chrissy:** BHB is working on 6 BRJP construction projects and we outreach to the subcontractors on every project. There aren’t a lot of job openings currently. There are more qualified people than jobs available. There are roadblocks, at this time, that create a problem finding jobs to place the qualified workers in. However, BHB has hired students from Youth Build Boston. **Commissioner Watson:** I commend the BHB team. Companies that have dedicated staff to social impact, racial equity and Diversity Equity and Inclusion are the firms that execute the best (*referenced commitment of Chrissy, Andrea, Brenda and Matt*). This is the first presentation that has given an in depth view of an applicant database and mentoring approach to

resume building and interviews. **Commissioner Green:** In regards to your comment about qualified and non-qualified, what makes a candidate/applicant non-qualified? **Chrissy:** Qualified would be someone who has experience with various trades. Non-qualified would be someone with no experience on a construction site and no OSHA 10 training. We would work with that person to get into YBB or see if the subcontractor would be willing to take on as an intern, but ultimately the subcontractor makes the decision on the applicants we submit to them. **Commissioner Green:** Thank you for the response, I was hoping to hear about the BRJP goal numbers and whether you refer to opportunities with apprenticeship or unions (*Commissioner Burton explained that the BRJP goal numbers are discussed during a projects review, the special presentation is an introductory of the project*). **Chrissy:** I failed to mention there were 4-5 higher level jobs available unfortunately we didn't have qualified people in our database (*referred to database as 1st and 2nd level qualified*). **Brenda Laurenza (BHB):** BHB just started an apprenticeship program with Youth Build called Just to Start Cambridge (*started August 19, 2024*). BHB hired 4 people from YBB. 1 female left after a year to become a Boston Police Officer. BHB connected another worker with a union job with Consigli. A win-win situation as we see it. We do advocate for those with less skills to the subcontractors. Our recent hire, Sara Henson, is a subcontractor and tradespartner liason. Her role is to build relationships with current and new subcontractors. I agree Commissioner Burton, we should give a chance to those who have less skills. **Commissioner Burton:** I appreciate the broader conversation about opportunity and inclusivity efforts, however, because this particular job is Open Shop/Section 3, it does pose some restrictions as it relates to unions. **Commissioner Green:** Just to clarify, I was referring to Journeymen and Apprenticeship Journeymen level. **Commissioner Burton:** Sometimes these positions aren't available on Open Shop projects. **Commissioner Howell:** Commissioner Burton, thank you for that clarity. It's good to learn about all the efforts this team has made to be inclusive to meet the standards of the BRP ordinance (*51% Boston Residents, 40% People of Color, 12% Women*). **Commissioner Burton:** It's about Best Practice and I would ask the city to consider the various projects with BHB for a case study.

B. Blue Hill Ave Scattered Sites

Duration: 20 mins.

Present: Ahmed Hatim (Bald Hill Builders), Jeffrey Ferreira (Bald Hill Builders), Chrissy Clark (Bald Hill Builders), Andrea Monteiro (Bald Hill Builders), Brenda Laurenza (Bald Hill Builders), Somalia Diby (DVM Partners) and Robert Woodson (BRJP Construction Monitor)

Commissioner Travis Watson recused himself due to his employer's funding interest in this project.

Ahmed Hatim & Jeff Ferrera (Bald Hill Builders): Powerpoint overview of Renderings (8, 10 and 12 units of affordable income-restricted homeownership), Funding sources, CPA, NHT, Mass Housing CWB and MHIC, Construction Management Plan (Construction site setup) and the Construction Schedule (13 – 17 months). Schedule A (June 2024 – July 2025). Schedule B (July 2024 – August 2025) and Schedule C (soon to start with expected completion November 2025). Awarded subcontractors listed on powerpoint. Everything is bought out with exception of specialties and signage. **Somalia Diby (DVM Housing Partners):** DVM Housing Partners (DVM) is a Boston-based firm committed to the creation and preservation of income-restricted housing. We achieve this by providing real estate development and affirmative fair housing marketing services to high-impact projects. This is our first solo project as an emerging W/MBE Developer. Our RFP included language of diversity and inclusion and we were impressed with Bald Hill Builders demonstration of having a really aggressive infrastructure for diversity and inclusion. **Andrea Monteiro:** 18 MBEs (*57% 4 are new businesses*), 5 M/WBEs (37%), Section 3 and other WBEs (40% are Boston-based). **Commissioner Burton:** Commissioner Watson recused himself because his employer MHIC is contributing funding to this project, however, I believe he would express excitement for the emerging faces of diversity in development and the social impact commitment of both the developer and the GC. I congratulate DVM Housing Partners on this being your solo opportunity. We look forward to the success of this partnership with BHB. In addition, while the BEC's oversight is the workforce metrics, we have noticed that there is a direct relationship to the increase in the diversity of the workforce in the BRJP categories (Boston Residents, People of Color and Women) whenever there is a minority-led firm and/or a women-led firm. It is an indicator that we are moving in the right direction. **Commissioner Burton:** Thank you for both presentations.

C. Clougherty Pool Renovation (Hybrid presentation)

Duration: 5 mins.

Present: Parker Helwig (J&J Contractors), Carleton Jones (Public Facilities Dept.), Niall Murphy (PFD) and Manuel “Manny” Barbosa (BRJP Construction Monitor).

Parker Helwig (J&J): Project is located at 345 Bunker Hill Street, Boston, MA 02129. The 2 phased project consists of installation of two exterior pools and major renovations to the 6,000 SF bathhouse facilities. Phase 1 includes the completion of both the family and lap pools for use by the local community for the 2024 summer season, and Phase 2 culminates with the renovation of the bathhouse and the overall completion of the project by June 2025.

Mr. Helwig’s cellphone audio was quite poor.

PROJECT REVIEWS

A. Clougherty Pool Renovation (Hybrid presentation)

Duration: 20 mins.

Present: Parker Helwig (J&J Contractors), Carleton Jones (Public Facilities Dept.), Niall Murphy (PFD) and Manuel “Manny” Barbosa (BRJP Construction Monitor).

Overall Numerical Compliance: 25,568 workhours, 333 workers, 21 contractors, 15% Boston Residents, 39% People of Color, 4% Women

Manuel “Manny” Barbosa (BRJP Construction Monitor): J&J Contractors self performs on this project. They currently are not meeting the employment standard goals in the Boston Residency and Female categories. During our corrective action meeting, an action plan has been put in place with Parker (J&J Project Manager) for the remaining 50% of the work. I am confident they will be able to improve their employment standard numbers moving forward due to their great numbers historically working for the City of Boston. A corrective action meeting was held on August 7th, 2024. The following subcontractors were invited: J&J Contractors, Marguerite Concrete, Brothers Electric, E.H Merchant, NewRoads Environmental, and South Shore Gunite. Corrective actions were collected and attached to BEC report. Laborers and Carpenters trade are 1 and 2 for the most hours worked. More attention has to be shifted during the other 50% to make sure every subcontractor is hiring more Boston Residents and Females during this time for these trades to be successful in meeting the employment standard numbers. **Commissioner Burton:** Just for clarification, is this an Open Shop project? **Manny:** Yes. **Commissioner Watson:** While the commission cannot sanction for non-compliance of Boston Residents, People of Color and Women, I’m challenged with J&J having had 8 projects with the city totaling 71,711 workhours and no women hired. While we know it’s challenging, it has been done and I’d like J&J to explain why (*Manny did find that there was a discrepancy with the stat report sent and unfortunately was not reflecting the women percentage accurately*). Commissioner Watson also asked that the city hold J&J accountable to hire women on any future projects. **Parker Helwig (J&J Contractors):** J&J self performs and the work is predominantly site work which is a predominantly male driven field. We make efforts to hire women. It’s been a challenge. **Commissioner Burton:** What’s J&J pathway or methodology to engage Boston Residents and women? Parker: The past 6 months we hosted local job fairs (January and recently). We’ve been working with Lonnie (Lonnie Daniels is a diversity compliance consultant). Lonnie couldn’t be here as he is on vacation. **Commissioner Green:** Often times 0% is a reflection of no effort. What has the effort been to engage the specific categories of Boston residents and women? *For example: Women in Trade organizations or Pre-apprenticeship programs.* **Parker:** There are 2 phases to this project. Phase 1 is pool related and is a specialty trade. Phase 2 is more traditional renovations and will open up to laborers and carpenters. We do advertise and we can’t discriminate. **Commissioner Green:** To be clear, I’m not asking you to discriminate, just encouraging intentional outreach to women. **Commissioner Burton:** One year ago J&J had the same response. In 8/9 months nothing has changed. **Parker:** I can only speak to the labor pool that’s available to us. We are doing the proper advertising and best faith efforts. **Commissioner Burton:** The numbers speak and we respectfully disagree (*referenced the corrective action meetings in the report held in the past 2 weeks*). **Parker:** We are doing outreach to union halls, etc. and consistency of work is key and it’s hard to entice people to work with us if the work isn’t consistent. **Commissioner Howell:** In light of the information shared, it doesn’t appear that the best effort has been put forward. **Manny:** It looks like there’s a discrepancy with the stat report on this project and I apologize. While the meeting has been taking place, I looked back at another project J&J presented this past February (7192 Josiah Quincy Elementary School Envelope Phase 1) the workhours was 2,068 workhours, 9 workers, Boston residents 63%, People of color 42% and Women 46%. There seems to be an issue with salesforce and I will follow-up with an accurate stat report for J&J. **Commissioner**

Flint: How long has J&J worked on projects for the city? If they're not reaching the Boston resident numbers it means there are people coming from out of the city. **Manny:** They've worked on 10 – 15 projects in the course of 3 years. **Commissioner Burton:** I'd like a follow-up of the 3 year history for J&J. **Commissioner Watson:** There should be a certain level of respect when presenting to the Commission and the poor/shoddy audio was very distracting. I would hope the next presentation is better prepared. **Commissioner Burton:** In addition to a 3 year history report for J&J, please submit a plan that describes your trade by trade approach, as Commissioner Green spoke to, for Boston residents and Women. What are the corrective action responses from those subcontractors that were met with? (*There were corrective action letters provided to the report*). **Carleton Jones (Public Facilities Dept):** Commissioner, we will work with J&J to get the information you are looking for. **Commissioner Burton:** You can provide this answer later. Is there consideration of prior performance in meeting BRJP standards when awarding contracts (*referenced the procurement departments review process*). Thank you for coming on and responding.

B. 61579 Sidewalk Repairs & Pedestrian Ramp Reconstruction (Area 2) Duration: 20 mins.

Present: Amanda Burns and Kathy Yandle (Fred DeRoma & Son) and Nelson Cunha (BRJP Construction Monitor)

Overall Numerical Compliance: 2,905 workhours, 25 workers, 1 contractors, 44%Boston Residents, 35% People of Color, 6% Women

Self-performing contractor - 2 projects with same ADA Compliance requirements

Nelson Cunha (BRJP Construction Monitor): Sidewalk repairs and pedestrian ramp reconstruction in area 2. The total amount if the contract shall not exceed \$2,170,462.25 which is reasonable based upon the nature and scope of work to be performed. The duration of this contract is from April 15, 2024 to June 30, 2025. This contract shall contain an option for renewal and extension for one year, July 1, 2025 to June 30, 2026. If exercised, the City of Boston will pay the initial contract award price plus a 3.5% increase on each item, the quantities of the option year will match the quantities of the initial submission. The City of Boston acting through its Official shall retain sole discretion in exercising the option for renewal and extension of the contract. Fred DeRoma is working to sponsor a prospective employee who is a person of color and Boston resident into the Laborers Union so they can hire him; Two of Fred DeRoma's employees moved into Boston as of 08/01/2024; One of Fred DeRoma's Women worker is no longer working with them, but they haven't been able to find a replacement for her; There have been multiple attempts from Fred DeRoma to the Business Agent for available women, people of color and Boston residents available in the bench, but there were none available according to these partners; The submission of certified payroll is made within the seven (7) business days allowed every single time; Every Boston residents on this project have been verified. Fred DeRoma engages in community outreach programs and events focused in attracting, training, and hiring women into the construction field.

A. 61582 Sidewalk Repairs & Pedestrian Ramp Reconstruction (Area 3) Duration: 15 mins.

Overall Numerical Compliance: 3,897 workhours, 28 workers, 1 contractor, 45%Boston Residents, 38% People of Color, 6% Women

The same information from report above applies to this project as well.

Amanda Burns (Fred DeRoma & Sons): We did have a women working for us at the beginning of the season, but it didn't work out. We currently have a woman laborer from the union who is also a Boston resident. **Commissioner Green:** In regard to the Equipment Operator numbers being at 0% for Women and People of Color, I'd like to recommend continual outreach. **Commissioner Burton:** It looks like these repairs are going to take place until 2030 and would possibly provide opportunity for a strategy to increase the numbers for all the categories (BR, POC and W). Is there a strategy to increase the EO numbers in those categories? **Kathy Yandle (Fred DeRoma & Sons):** Our operators have been with us for over 15 years and we're not ready to replace anyone. We would have to fire

someone. Certainly, if one of our operators left, we would be willing to bring someone on. **Commissioner Burton:** Are you saying that Fred DeRoma hasn't grown the company? **Kathy:** We've been in the same category as it relates to equipment operators for a long time. Any increase that we've done is in the labor pool. Commissioner Burton: It's challenging to hear that a company is resigned to keep people to a labor position, as it seems you are saying in relation to the categories of (BR, POC, W). I imagine DeRoma is getting work and not stagnant and public work jobs can provide an entry level opportunity into a trade such as Equipment Operators (*referenced that this particular work is light and not driving heavy piles of dirt*). **Kathy:** I did not mean to come off that way. We would only be able to increase in replacement. Otherwise, we would have to fire someone who's been with us for a very long time. **Commissioner Watson:** Is this File Sub Bid? **Christopher Brown (BRJP Manager):** This is not file sub bid (*file sub bid is only with Public Facility projects*). **Commissioner Watson:** What's troubling with your response is that you are saying that your company is not able to meet the requirements of the BRJP ordinance for each trade from the outset and I would not ask you to fire or lay off anyone, however, I would ask that you consider not applying for a project with the city you are not able to accommodate and I would ask the city not to accept applications from firms that state they are not able to meet the ordinance requirements for each trade from the outset. **Commissioner Howell:** To be clear, you are stating that you are not able to expand your workforce with Equipment Operators in accordance with the BRJP Ordinance? If so, I recommend you work to expand your personnel even for short-term assignments. **Kathy:** It's difficult in the Equipment Operators trade and this particular job doesn't require a lot of Equipment Operators. We are working on that internally without letting someone go. **Commissioner Burton:** Thank you for your presentation. As it relates to this conversation, what's troubling is the inequity of the ability of this company to bring on BR, POC and women in the Equipment Operators trade that pays a higher hourly rate than laborers. I think there's more conversation to have with the Public Works Department around what success looks like to the city as it relates to equity.

BEC Commissioners' Follow-up Requests/Concerns – Clougherty Pool/J&J Follow-up

MONTHLY PAYROLL SCAN

Duration: 25 mins.

Commissioner Burton: We began this payroll scan a year ago to address sanctions/non-compliance as it relates to repeat offenders. Chris, you've asked us for our patience and it's time to workshop the payroll scan. Sanctioning is limited to administrative issues and not hiring goals. There's been some improvement with pipeline development. However, we are not achieving the Opportunity for Equity the program is meant for. **Commissioner Flint:** I still don't understand the purpose of Corrective Action Meetings if they are not improving anything. **Chris:** Commissioner Flint we can invite you and anyone else to a Corrective Action Meeting. **Commissioner Flint:** I've been to them when John Redd was with the BPDA and it doesn't seem anything has changed. **Chris:** In full disclaimer, I believe the program has worked. There are improvements to be made, but there are people who have gotten jobs on construction sites because of this program. Commissioner Burton, thank you for your overview, as you said, it has been a year and I will bring this to my higher ups as we work internally to address the concerns raised. With that said, July's payroll scan is as follows: **July 2024 / Overall Payrolls submitted - 3,155; Late payrolls submitted - 472 (15% of all payrolls); < 5 days late - 260 (55%); 5 to 10 days late - 134 (28%); > 10 days late - 78 (17%) and Latest payroll submitted - 28 Days.**

Commissioner Burton: Commissioner Broomstein resigned effective as of today. We thank her for the expertise she brought to the Commission as a tradesperson signatory to the union. Serving on the Commission has its challenges as the oversight is limited to addressing the full essence of the ordinance. **Commissioner Flint:** We need to revisit the purpose of the BRJP. **Commissioner Green:** I'm fairly new to the Commission and having experienced working in various arenas, I can't imagine what it would look like without the BRJP. **Commissioner Burton:** We need another working session and I agree without the ordinance we wouldn't have the inclusion it has provided. **Chris:** It's important that I mention those who instrumental in creating the program (*Chuck Turner, Bruce Bolling, Priscilla Flint and other public stakeholders*). **Commissioner Flint:** Does the city offer back office help? **Chris:** There are some city departments that offer technical assistance. **Commissioner Burton:** The city offers assistance through the Office of Economic Development.

DIRECTOR'S REPORT

Duration: 10 mins.

Mimi Turchinetz (Asst. Deputy Chief, Office of Worker Empowerment): Some internal things created difficulty with focusing on sanctions process. The transition of BPDA to the City impacted BRJP; Salesforce updating administration capacity; State requirement of BRJP oversight for prevailing wage monitoring and reporting (Stacey Watson from BPDA and now working with the City of Boston will be leading that effort). The BRJP Website has been updated to provide clear resources for contractors and job seekers; Improvement to the Advanced Project Notification so that we are made aware of projects on the front end. There was a July 31, 2024 Boston Globe article quoting BEC members which reflected the frustration expressed today. We hear you loud and clear regarding a working session. We recognize the imperfections with the ordinance and the BRJP team is working hard with the tools they have to make an impact. So I want to give a shout out to the monitors and Chris and to say that the monitors and staff want to work with the BEC to do this better. **Commissioner Burton:** We do thank the staff/monitors for all they are doing. We appreciate that you have heard our request for a working session as we look to see what the success of the future BRJP can be. With that said, the hour is far spent and some of the commissioners have had to leave.

Motion to adjourn (Commissioner Flint), 2nd (Commissioner Green). All approved.

Meeting adjourned 3:26pm
KO/BEC Coordinator