

# Boston Employment Commission Hearing Minutes

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A monthly hearing of the Boston Employment Commission (**BEC**) was held virtually on Zoom, October 16, 2024.

**Present: Commissioner/Chair JocCole “JC” Burton, Commissioner Travis Watson, Commissioner Donald Alexis, Commissioner Chaton Green and Commissioner Priscilla Flint**

**Hearing Began: 1:05 PM**

**September 18, 2024 Minutes approved (motioned by Commissioner Green and 2<sup>nd</sup> by Commissioner Alexis) Commissioner Watson abstained due to not being at last month’s hearing.**

## I. ANNOUNCEMENTS

**Jodi Sugerman-Brozan (Deputy Chief, Office of Worker Empowerment):** November 17 -23 is National Apprenticeship Week. Apprenticeship Fair hosted Tuesday, November 19<sup>th</sup> at the Roxbury Library. Office of Labor Compliance is hosting OSHA 3 and OSHA 10 classes and Worker’s Rights Clinics. October is National Disabilities Awareness Month (*Information was provided in the chat*).

## II. SPECIAL PRESENTATIONS

### A. Old Colony Phase 6

**Duration: 10 mins.**

**Present: Darcey Jameson (Beacon Communities), Maggie Cherry (Beacon Communities), Alex Lund (Dimeo Construction), Sandy Paben (Renaissance Groups), Jasmine Vanbrunt (Renaissance Groups), Joe Bamberg (Boston Housing), and Nelson Cunha (BRJP Construction Monitor)**

**Darcey Jameson (Beacon Communities):** Thanked the City and BRJP for the support on this 6 phased project over 15 years (*overall phases - 887 affordable units*). **Joe Bamberg (Boston Housing Authority):** Echo Darcey’s words and pleased with the transformation of this project. **Maggie Cherry (Beacon Communities): Project Overview:** This project is 100% Union. Final phase of Old Colony Housing Redevelopment Project in South Boston: 100% affordable housing; 5 story prefabricated wood-framed panels and trusses; Passive house – Pius CORE 2021 & LEED Gold; All electric for climate reduction; 89 residential units; 121,910 square feet and Non-profit community arts space (*Renderings were presented*). **Alex Lund (Dimeo Construction): Construction Schedule:** Overall completion of project is estimated by 12/22/2025. **Awarded Subcontractors (including M/WBES):** Sitework – R.F. Roach; Ground Improvements – Helical; Landscaping – Franny’s; Site Fencing – United; Concrete – Marguerite; Gypcrete – NES; **Masonry – DCR Masonry;** Steel – Capco; **Rough Carpentry & Framing – Tara;** Finish Carpentry – ECI; Roofing – Silktown; Siding, Panels, and Storefront – Advanced Exteriors & Glazing; Spray FP, Metal Studs & Drywall – Hcarr; Sprayed Insulation – Northeast Foam Solutions; **Doors, Frames & Hardware – Middlesex;** Smoke Curtains – Pappas Co.; **Construction Buyout (Awarded Subcontractors);** Windows – Intus Windows; Flooring – Essential Flooring; Painting & Wallcovering – M.L. McDonald; Div 10 Specialties – Automation Solutions; Appliances – Gil’s Appliances; **Chutes & Compactors – Wilco; Window Treatments; Contexture;** Cabinets – Norfolk; Elevators – Kone; Fire Protection – Beacon; **Plumbing – EFR Mechanical; HVAC – General Air;** Electrical – Cruz; **Survey – Welch; Waste Removal – All State Waste; Diversity Reporting – Renaissance Groups (MBEs: Tara Construction, Middlesex, EFR Mechanical, General Air. WBES: DCR Masonry, Contexture, Wilco, Welch Survey, All State Waste and Renaissance Group. Workforce Diversity Efforts/Community Partners / Outreach Events:** BRJP Construction Job and Info Fair - Held on 10/3/24, 150 Attendees - Contractors, Unions, and Apprenticeship Programs had booths. Old Colony Phase 6 Construction Job Fair - Held on 10/10/24 at the Tierney Learning Center. Multilingual translators present at job fair events. Attendee follow-up efforts - All initial follow-ups will occur before December.

Renaissance will continue to follow up with interested participants monthly. **Upcoming Outreach:** Hosting OSHA 10 classes at the Tierney Learning Center to be scheduled in November/Early December. Attending the Old Colony Neighborhood Fall Fest -Date TBD and participating in other BHA and City events. **Commissioner Burton:** Thank you for the presentation. When there's a presence of leadership, it speaks to the commitment of the success of a project. **Commissioner Watson:** In my many years of being involved with the BEC, this is the first or second presentation that has been women-led, which I applaud Beacon and Dimeo for their focus on women in leadership positions. In regard to pre-fab, can you speak to the cost savings? **Alex:** There are positives with timeline and efficiency in offsite structuring and in the long-run, the coordination of offsite and onsite are contributing factors that help with cost savings as it relates to the pre-fab process. **Commissioner Green:** I attended the recent job fair and experienced a great turn out that has the potential to increase your numbers. It was good to see support provided to the Haitian community (*translation provided*). I was able to answer questions about apprenticeship programs and how it benefited me.

**B. 4 – 18 Cheney Street Apartments**

**Duration: 10 mins.**

**Present: Ricky Guerra (Jamaica Plain NDC), Shanice Marshall (NEI Contracting), Andre Barbour (NEI Contracting), Dan Ren (NEI Contracting) and Robert Woodson (BRJP Construction Monitor)**

**Andre Barbosa (NEI Contracting):** This project is located in Dorchester - New Construction of 48 mixed-income affordable rental units - Estimate 20 months of construction Under New BRJP Ordinance. **Construction Schedule:** First subs to mobilize onsite: Genesis Utilities (Sitework), ADEP (Demo & Abatement). **Prior to Mobilization:** Internal Pre-construction kick-off meetings; Building relationships with individuals responsible for hiring workforce; Internal Compliance Reporting workshop; Consistently reviewing; Look ahead to stay ahead of contractors coming onsite. **On-site Application & Online:** Each one of our construction sites has at least one per entrance to site. Applicants can visit [www.NEIGC.com](http://www.NEIGC.com) to apply online or scan our QR Code; Additionally, QR Code to training calendar for WORC2 registration for courses and availability. **Commissioner Green:** What is your training process as it relates to skills? **Andre:** Entry level training (OSHA 10/30). We refer candidates to partners for skilling up. **Commissioner Alexis:** How viable is your training process? Are workers placed on other NEI projects (*sustainable opportunities*)? **Andre:** WORC2 has been in Roxbury for 3 years and has placed over 100 candidates. We provide a host of construction related trainings and some learn while you earn - consecutive courses in mechanical trades (HVACs, plumbers, electricians, sheet metal, etc.). **Commissioner Watson** (stepped in for Commissioner Burton as she was having technical issues): Thank you for your presentation. **Commissioner Burton:** Thank you Commissioner Watson. Let's go to the next presentation.

**III. PROJECT REVIEWS**

**A. Columbia West Preservation (Hybrid Presentation)**

**Duration: 36 mins.**

**Present: Michael Mattos (AHSC Inc.), Andre Barbour (NEI Contracting), Wayne Silvia (NEI Contracting), Gretchen Kellog (Mayor's Office of House) and Robert Woodson (BRJP Construction Monitor)**

**Overall Numerical Compliance: 6,404 workhours, 65 workers, 9 contractors, 14% Boston Residents, 85% People of Color, 8% Women**

**Andre Barbour: Project Overview:** Located in Dorchester - 2 Buildings / 392 Columbia Road (46 Units) and 614 Columbia Road (45 Units). Renovation of 91 mixed-income affordable rental units, estimated 12 months of construction (under New BRJP Ordinance). First subs to mobilize onsite: KNC Mechanical (Plumbing & HVAC); G&O Inc. (Electrical); Omega Prime Services (Select Demo); NEI (General Labor); FRG Contractor Corp. (Rough Carpentry) and Eagle Prime Corp. (Finish Carpentry). **Prior to Mobilization:** Internal Pre-construction kick-off meetings; Consistent review of look ahead schedule to engage contractors in advance of arrival on site. Building relationships with individuals responsible for hiring workforce - Internal Compliance Reporting workshop and attendance to local job fairs. **On-site Application & Online.** Each one of our construction sites has at least one per entrance to site. Applicants can visit [www.NEIGC.com](http://www.NEIGC.com) to apply online or scan our QR Code. Additionally, QR Code to training calendar for WORC2 registration for courses and availability.

**Commissioner Burton:** While the BEC doesn't have oversight of M/WBEs, we do find a correlation with the pipeline to build the goals of the BRJP. **Commissioner Green:** How would someone coming out of high school/vocational be set up for success? (*This was in reference to NEI's work with Madison Park High's vocational program and reference to training*). **Andre:** NEI isn't a GC that self-performs. We line candidates up with the appropriate trade partners. **Commissioner Burton:** As it relates to affordable housing development and the Open Shop model, which this project is, it generally provides a greater pathway/opportunity to Boston Resident, People of Color and Women and outperforms organized labor (Unions/Apprenticeship programs). **Commissioner Watson:** For further context, non-union affordable housing projects are more favorable for black and brown workforce and M/WBEs (*referenced the City of Boston's 2019 Disparities Study*). **Commissioner Green:** This work is seen through different lenses as it relates to the business side and workforce side and the racial and economic justice (*references his personal experience as an apprentice and ability to grow in the union*). **Commissioner Burton:** The city of Boston requires that all housing projects built in the city must provide a living wage. **Commissioner Watson:** We must consider the data that informs equity. **Commissioner Green:** I'm speaking from personal experience as one who received the apprenticeship training and achieved better opportunities. **Commissioner Burton:** Everyone has a pathway. One's personal experience can't negate another's experience.

**Paused to approve last month's minutes – noted at the beginning of the minutes.**

**Robert Woodson (BRJP Construction Monitor):** This report covers August 2024 – October 2024. The project is 20% complete. The project's overall employment percentages are adequate to date, though the resident percentages have not started strong. Of note NEI is at 100% resident participation and leading by example; of the top 5 trades for work hours performed, ½ are exceeding the people of color goals, ¾ are exceeding the women goals. Only 8 Boston residents have been reported so far. All 8 are currently unverified. The project's average payroll submission time is currently at 3.9 days far below the 7 business day threshold. As the project ramps up, subcontractors should attempt to maximize resident and women workforce utilization. Andre can speak to Best Faith Efforts. **Andre:** Provident Coating and KNC Mechanical will be bringing on Boston residents. NEI has attended recent jobs fairs and will be attending upcoming job fairs. Because this project is an occupied rehab, it's challenging to the workflow (less than 100 hours per worker). **Commissioner Green:** What are you doing to address the trades with 0% women? **Andre:** We're always seeking applicants for those trades. **Commissioner Flint:** Apologize for being late. Not happy with the numbers. People of Color numbers (85%) are high because it's a reflection of workers from outside of the city. Andre's been with NEI for a long time (*Andre replied 7 years*). Don't understand why the Boston resident and women numbers are so low in trades where it appears there should be more (*referenced carpenters*). **Commissioner Burton:** As explained, this project is an occupied rehab, just started in August and about 20% complete. Expected completion is September 2025 (*per Andre*). We do need to dig a little deeper into how the trade partners can hire more Boston residents. When there are zeros in certain areas, it sometimes reflects lack of effort. **Commissioner Alexis:** This being your first report, I'm looking to see improvement. We know NEI can do better and we're happy to work with you. **Andre:** Always open to partnering. **Commissioner Green:** What has been the biggest hurdle to get Boston residents and women? **Andre:** First time contractors and the consistency/cadence of work. We're still in the early phase and trying to find the rhythm with those contractors who are new and with the challenge of the occupied rehab situation. **Commissioner Flint:** Reiterated what she expressed earlier and referenced the Tropical Foods development and commented that NEI's longevity requires they do better (*Boston residents at 14% is not acceptable*). **Commissioner Burton:** Agreed. Thank you for your presentation.

## **B. Enterprise Research Center Lab Project**

**Duration: 35 mins.**

**Present: Corey Hoelker (Breakthrough Properties), Genci Leno (Turner), Liz Harvey (Turner), Kamlesch Patel (J & J Contractor), Taidgh McClory (THM Advisors), Milton Benjamin (KAGE Growth Strategies), Dakota Jones (InOrder Business Development Solutions) and Pamela Ruffo (BRJP Construction Monitor)**

**Overall Numerical Compliance: 168,213 workhours, 778 workers, 29 contractors, 25% Boston Residents, 38% People of Color, 9% Women**

This project BEC special presentation was on 09/20/23. Boss Steel 1<sup>st</sup> largest subcontractor onsite is leading in

workforce diversity 47% Resident, 45% POC & 9% Women. Their efforts are making the largest trade onsite Iron worker trade shine with overall workforce 37% Resident, 47% POC & 7% Women. Turner Construction the 2<sup>nd</sup> largest subcontractor onsite is struggling with 27% resident participation due to the carpenter work only achieved 12% resident workforce, their labor work is 38% resident participation. As they transition out of concrete work they are committed to achieving their previous strong BRJP history of workforce compliance on this project. As stated in the attached corrective action plan they will retain all Boston residents. And will be reaching out to local 151 Labor Union for a Boston Resident/POC/Women when the crew size increases. Their POC & Women workforce is strong at 38% POC & 12% Women. A corrective action meeting was held on 10/02/24 with the following subcontractors: Demelo Construction, E.M. Duggan, Harry Grodsky, H. Carr, Lund Rebar, McCusker Gill, S&F concrete, State Electric & Turner Construction. As well as Union Business Agents from Local 12 Plumbers, Local 103 Electricians & Local 151 Laborers. Their corrective actions response/plans were submitted for this report. Nine Work Requests have been submitted on the project by Allied Drilling, H. Carr, Harry Grodsky and WL French). There has been 105 apprentices working on this project: 28 Resident (32%), 37 POC (42%) and 13 Women (16%). 19 out of 29 subcontractors on the project employs apprentices. The top 5 subcontractors with the most apprentices are Boss Steel (20), E.M. Duggan (16), Harry Grodsky (10), Lund Rebar (9) & Massy (7).

**Commissioner Burton:** One of the innovative approaches Turner had on a previous project (Seaport) to increase Boston resident numbers was helping with transportation for workers (residents) that had a challenge getting to that area and a bus would pick up at certain points. Do you provide something like that here? **Genci:** I'm not aware of that and unfortunately, we do not provide transportation, however we were able to get a good discounted parking rate with Harvard for the workers. **Commissioner Burton:** I spoke with Alison on this some time ago (*couldn't recall the project*). **Genci:** I will check in with Alison after this call and see if it's something we can consider here.

**Commissioner Green:** My comment is more about retaining residents. I think it's important that residents have the opportunity to experience the full scope of a project. **Commissioner Watson:** Because there's no baseline for Boston residents available, it's hard to measure residency. 25% for the past 24 years has been consistent on union projects. There are 3 well respected diversity outreach recruiters on this project (InOrder Business, KAGE Growth Strategies and THM Advisors) who I'm sure have done everything in their capacity to find Boston residents. I'm all for pushing, but we need to be reasonable and assess what's happening in the market. **Dakota Jones (InOrder Business):** I appreciate Commissioner Watson's acknowledgement and perspective. There's been no shortage of effort on the team's part (Turner, Janey, J&J, Ownership's Rep and Diversity Consultants). We need to contribute to a deeper talent pool and build the pipeline. We are currently engaged with a lot of community partners and investing in future projects. As a part of Construction Inclusion week, this is our focus. **Commissioner Burton:** Dakota just reminded us of the importance of building the pipeline. What's the duration of this project? **Genci:** January 2026 is the expected completion date. **Commissioner Green:** As I think about my own experience in entering the construction arena, I may have been looked over if developing talent was the criteria. Creating the talent is another pathway to consider, a catered approach. **Commissioner Watson:** This project being 100% union with 105 apprentices and 32% are Boston residents, there's a disconnect with the unions as it relates to bringing in Boston resident apprentices and building the pipeline to reach the goal of the BRJP ordinance. Outside of this hearing, we need to get a better sense from the various trades of what their apprenticeship classes look like in order to set realistic expectations for the future and collectively/strategically find ways to help young people access these opportunities. **Commissioner Green:** Non-union doesn't have apprenticeship classes. 32% of 105 apprentices are giving those workers a sustainable wage and training. There certainly could be improvement, but diversity doesn't always mean economic justice (*referenced workers being paid unfair wages on non-union jobs*). **Commissioner Burton:** Thank you to the team. Before going into the director's report, I'd like to bring something to the BEC because I'm not sure where to present this. However, it is an issue of inequity and falls in the city's focus on Worker's Rights. Recently I was approached on 2 occasions about local unions sending Boston residents to out-of-state projects (*lesser pay*) and bringing out-of-state workers to Boston (*higher pay*). One person didn't mind going on record to say it was Local 6. The other didn't want to disclose for fear of retribution. Director Sugerman-Brozan, how would we investigate something like this? **Jodi:** I'd like to set up a time for you and me to talk and get more details in order for me to do due diligence and reach out to our legal department on how to address something like this. **Brigitte Zapata, Diversity and Equity Program Manager (Walsh Brothers):** I'm a Boston resident and worked for Local 22 as an apprentice and experienced being sent to Rhode Island. It's a common issue that others come from outside Boston/neighboring states because Boston wages rates are higher. When I brought it to my Business Agent's attention, I was told I should be happy to be working or I could be put on the wait list. I needed to get my hours for insurance so I took it on the chest and went to RI. **Commissioner Burton:** Bridgette, I appreciate your transparency. **Commissioner Green:** I'm sorry you had that experience. I am a strong believer, as is the Building Trades that Boston Jobs should be for Boston people. There are a lot of stories

and as this is investigated, consider all the reasons. We say unions - unions and I feel like that's an attack. Thank you for your bravery. **Commissioner Burton:** This person that brought the case to me has the ability to work in Boston and is being shipped to another region (lesser wage) while someone else is being brought here. The same ultimatum that Brigitte described was presented to this person, either go where we send you or sit on the bench. Because the BEC is within the Worker Empowerment cabinet, I felt this was an appropriate space to have the conversation and find ways to protect those that are having these challenges. **Commissioner Watson:** Brigitte, incredibly brave and powerful for you to speak your truth in the hopes of bringing change. Much respect to you! **Commissioner Burton:** My company is signatory to the unions and this was brought to my attention because the person thought I was affiliated with the unions. **Commissioner Flint:** This is unacceptable. I knew people were coming from other states to work in Boston, but was not aware that Boston residents are being sent outside Boston to work in RI or other states. Thank you, Commissioner Burton for bringing it to our attention. I don't understand why we can't discuss this as a commission (*referenced open meeting law and frustration with some unions*). **Commissioner Green:** Don't just target unions. Workers are treated unfairly in organized and non-organized settings. It seems like we're holding court here (*referenced the language of facts and investigation*). **Commissioner Burton:** I brought this here because the situation is similar to wage theft or inequity. We are not holding court. This is a public forum that provides space for a public conversation. **Jodi:** Because the time is far spent, we will table the Director's report until November (*PowerPoint presentation addressing late payrolls and efforts to improve effectiveness*). To clarify the Open Meeting Law, it does not preclude a public forum from having an agenda on topics as long as it connects to the Boston Residents Jobs Policy. A quorum is 4 or more and requires a public meeting. However, under 4, subcommittees can be convened for conversations. In regard to the issue at hand, I hesitate to call it an investigation. It is more an inquiry into what the problem is and are there solutions through which we as the city of Boston have levers and ways to address some of these issues. It's important to recognize that in the work that we do around wage theft and other injustices, it's happening in primarily non-union places. That's why it's important to provide pathways to unions for everybody. It's a critical way to earn family sustaining wages and be safer on the job and not have injustices like wage theft. We need to frame the problem, determine levers to address, have conversation for further details and bring in legal to determine what we can and cannot do and bring back to the BEC in November. Just to reiterate, investigation denotes regulatory power of which the city does not have in this realm. **Commissioner Burton:** Appreciate the distinction. Language matters. **Commissioner Flint:** Just to clarify, I realize there are some good unions and there are some bad apples. I still have an issue with the open meeting law hindering us from talking to each other. **Jodi:** The open meeting law does not preclude you from having social interactions. You can't conduct any Boston Employment Commission business as it relates to the BRJP with a gathering of 4 or more commissioners. This is a state law we must comply to. **Commissioner Burton:** We can plan a small group meeting to discuss this issue (3 or less). **Commissioner Green:** Thank you for all that was explained and the stories shared. I'm taking it in and taking it to heart.

## **BEC Commissioners' Follow-up Requests/Concerns - Nothing Outstanding**

### **Sanction Recommendation – Nothing Outstanding**

### **DIRECTOR'S REPORT**

**Jodi Sugerman Brozan (Deputy Chief, Worker Empowerment):** Because time was far spent, the director's report will be carried over to November's BEC hearing.

**Motion to adjourn - Commissioner Watson, 2<sup>nd</sup> - Commissioner Flint. All approved.**

**Meeting adjourned 3:13 pm**

**KO/BEC Coordinator**