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Fewer residents get building jobs

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Under Menino, number of minority, women workers sink

By Donovan Slack, Globe Staff | September 10, 2009

The proportion of Boston residents, minorities, and women working on city construction projects has dropped sharply since Mayor Thomas M. Menino took office, even as a boom in real estate development brought tens of thousands of construction jobs to the city.

Boston residents performed 32 percent of construction work last year, down from 44 percent in 1993, the year Menino became mayor, records show. Minorities performed 30 percent of the work in 2008, compared with 38 percent in 1993. And women got 2 percent of the work last year, down from 2.8 percent when Menino took office.

Under city law, both publicly funded construction projects and large private ones are supposed to fill construction jobs with 50 percent city residents, 25 percent minorities, and 10 percent women. The law empowers the city to impose stiff fines and ban violators from bidding on future city contracts, but the Menino administration, by its account, has rarely taken such steps.

City officials say the mayor, instead of aggressively enforcing the law, has tried other avenues to diversify construction work in Boston, such as creating job training programs and employment services for residents, minorities, and women. City officials say they are reluctant to impose legal sanctions because they fear the law might not survive a court challenge.

"Our goal is to get the projects built and get work for residents," said Brooke Woodson, the director of the Boston Employment Commission, the city panel charged with enforcing the law. "Shutting down a project doesn't achieve any of those ends."

But workers' advocates say the mayor wields considerable influence over developers, who must get City Hall approval for their building projects, and should use that power to get more work for residents, minorities, and women.

"The law is supposed to create an uplifting opportunity for working residents," said Kerrick Johnson, director of the Roxbury Builders Guild. "But the working population is losing its toehold. They're getting driven out."

Johnson and others portrayed shrinking access to the building trades as a critical factor in the fraying social fabric of Boston's neighborhoods, saying the absence of such high-paying steady work for individuals without college degrees has contributed to criminal activity and broken homes.

"If guys were bringing home \$1,000 a week, they could stabilize one or two households with those checks," Johnson said.

Menino's decision not to aggressively enforce the 50 percent-resident requirement has ignited into an issue in his reelection campaign, with all three challengers using it as the basis for accusations during a forum in Roxbury last week.

Councilor Michael F. Flaherty said that if he drove past one more city construction site with trucks with license

plates from Rhode Island and New Hampshire, he would “lose it.”

Councilor Sam Yoon said the city should shame violators by publishing their names online. South End businessman Kevin McCrea said he would force contractors who do not comply to “put money in Madison Park High School for job training or they won’t get the next city contract.”

At the forum, the mayor defended his record by pointing to projects that had met hiring requirements for minorities, such as the construction 14 years ago of Boston police headquarters in Roxbury. He did not address resident or female employment.

“Our city projects routinely surpass the goal of number of workers for people of color,” Menino said. “We’re always working to increase that number. . . . Can we do better? Yes, we can.”

An outcry from community activists prompted the creation of the jobs policy some 30 years ago, when a study found 80 percent of city construction jobs went to workers from outside Boston and almost none went to minorities. The US Supreme Court upheld the policy in 1983, rejecting arguments from a coalition of unions and construction companies that it was unconstitutional.

Two years later, Mayor Raymond L. Flynn broadened the policy to include large, privately financed construction projects, arguing that residents should benefit from a building boom downtown. In 1986, he signed a law - written by then- councilor Menino - establishing a commission to enforce the policy. The Boston Employment Commission was empowered to monitor job sites and sanction violators with fines of \$300 per day or ban them from competing for city projects - public and private - for three years.

By the time Menino became mayor in 1993, residents comprised 44 percent of the total workforce on publicly funded construction sites and 34 percent on the large private projects. Since then, those numbers have slipped more often than they’ve grown, records show.

Advocates for resident and minority workers have repeatedly decried the lackluster progress. In 2000, the Greater Roxbury Workers Association noted, “This city’s booming, but it’s not booming for us!” according to the Bay State Banner.

Two years later, Maura Russell, the director of Women in the Building Trades, described the city’s enforcement of the construction employment policy as “pathetic,” according to a Globe story. Last year, the founder of the Boston Coalition for Residents, Mary Reid, told The Weekly Dig she had a list of hundreds of skilled construction workers who were being shut out of Boston job sites. “How can we build community when there are no jobs?” she asked.

Each time, city officials said the law requires the city to ensure only that contractors are making their “best efforts” to hire the requisite numbers of residents, minorities, and women. They said that there aren’t enough workers in those categories to fill the jobs and that Big Dig construction lured city residents away from Boston jobs.

But since the Big Dig construction ended, most numbers have dropped further, and last week, Woodson, who was appointed by Menino in 1995, said he does not know why. Woodson said his enforcement efforts have remained consistent.

He said he and commission members meet monthly and decide which contractors should be reminded to make stronger attempts to diversify their workforces. Woodson said the commission often has asked city agencies to withhold payment of contractors found in violation, but he said fines and job shutdowns are rare.

The city’s chief lawyer, William Sinnott, said he fears the courts might rule differently than in the past and

overturn the city policy if tougher sanctions are imposed.

"It might not survive a challenge," Sinnott said, noting that one of the reasons he believes it hasn't been challenged is that the city has treated its hiring numbers as goals, rather than legal quotas.

The mayor, at a public event last night, also ruled out using his influence to increase diversity in the workforce on Boston construction sites.

"We try, but if we use that bully pulpit, we'll get taken to federal court, because you can't have mandates," he said.

In total, the Globe review of 16 years' worth of construction employment data found that publicly funded projects and large private developments built since Menino took office created a total of 187,765 construction jobs. Boston residents and minorities held roughly one-quarter of the jobs, about 45,000, while women held 5,400.

There were 109 private developments subject to the jobs ordinance because they were larger than 100,000 square feet. Of those, none hired 50 percent Boston residents or 10 percent women. Only 21 boasted a workforce made up of at least 25 percent minorities. The developments created a total of 34 million work hours, of which 25 million - or 74 percent - went to non-Boston residents.

Publicly funded construction work did not fare much better on resident hiring, with 64 percent of 13 million work hours going to non-Boston residents. The work included some 2,857 projects during Menino's tenure.

They ranged from small jobs such as elevator repairs that lasted eight hours to large ones such as an affordable housing project that took 106,000 hours of construction work. Only 3 percent of the hours went to women. Minorities received a larger share, with 35 percent of the work.

Johnson, of the Roxbury Builders Guild, said Menino needs to do more.

He said he has heard far too many stories from city residents who are out of work while their counterparts from outside Boston are landing construction jobs in the city. Johnson said that at any given moment, a majority of the roughly 500 construction workers listed with the Builders Guild are looking for work.

Another organization, the Boston Workers Alliance, says it has a list of 182 city residents trying to get work in the construction trades.

One member of the alliance, Hakim Cunningham, said he was inspired to join an effort to diversify city construction workforces. Cunningham, who is African-American, a laborer, and a Dorchester resident, said he has tried repeatedly to get work on city job sites over the years and has been frustrated by the lack of work.

"It's a buddy system," Cunningham said. "Those in power pick and choose who they want to hire. Their friends get rich, they bring in their friends, and so on. We're out in the cold."

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